

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION [BA] NO. 294/2021.**

Nitin Govinda Labade

**-VERSUS-**

The State of Maharashtra.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri R.M. Daga, Advocate for the Applicant.

Ms. N. Mehta, A.P.P. for the Non-applicant.

**CORAM : VINAY JOSHI, J.**

**DATE : APRIL 19, 2021.**

Heard learned Counsel for the parties  
through video conference.

2. The applicant seeks regular bail in Crime  
No. 266/2020 registered at Jaulka Police Station,  
District Washim for the offence punishable under  
Sections 302, 341 read with Section 34 of the Indian  
Penal Code.

3. The State has resisted the bail by filing  
reply affidavit. It is contended that the applicant  
along with co-accused had committed murder which

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attracts capital punishment. Considering the seriousness of the offence, it is prayed that the bail be rejected.

4. One Gajanan has lodged a report regarding the incident. The report is based on hearsay information, wherein it is stated that the applicant along with two other co-accused quarreled with the deceased at the instance of ploughing land. The police have recorded statement of eye witnesses namely Vaishnav, Devidas, Gopal and others. Eye witnesses in their supplementary statement have stated about the occurrence. It is contended that the applicant and two co accused namely Gautam and Subhash quarreled with the deceased, pulled him from tractor. At relevant time co-accused Gautam hit on the head of the deceased by means of stone, whilst the applicant assaulted him by means of stick.

5. The post-mortem note discloses only two head injuries on the person of the deceased and the cause of death was due to head injury. Already co-accused Gautam against whom there are allegations

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of causing head injury is released on bail by the Sessions Court.

6. The learned A.P.P. is unable to show any grave role of the applicant then Gautam, therefore, the rule of parity would squarely apply. Already investigation is completed and charge sheet has been filed. In view of that, the applicant has made out a case for grant of bail. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant – Nitin Govinda Labade, be released on bail in connection with Crime No. 266/2019 registered with Jaulka Police Station, District Washim for the offence punishable under Sections 302, 341 read with Section 34 of the Indian Penal Code, on his furnishing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only), with one or two sureties in the like amount.
- (iii) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

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- (iv) The applicant-accused shall provide his residential address and cell number to concerned Investigating Officer and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) All pending Misc. Application/s, if any, also stands disposed of.

Rgd.

**JUDGE**