

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

CRIMINAL APPLICATION (BA) NO. 515 OF 2021

(Nilesh s/o Sunil Gedam ..vs.. State of Maharashtra, through PSO, PS Hudkeshwar, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. Husain, Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 05-07-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking bail in connection with Crime 314/2020 registered with Police Station Hudkeshwar, Nagpur under Sections 143, 147, 149, 302 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. The investigation is complete and the charge-sheet is filed.

4. Perusal of the charge-sheet indicates that while three witnesses are cited as eyewitnesses to the incident in which the deceased Chetan is allegedly done to death by as many as five persons, each of the three witnesses has stated that the assailants were wearing masks. While one witness Amit candidly stated that he would not be in

a position to identify the assailants, the other two Shubham and Hitesh stated that they would identify the assailants from their physic and eyes.

5. This Court has already granted bail to co-accused Ashwin vide order dated 20-4-2021 rendered in Criminal Application (BA) 270/2021 (Coram : V.M. Deshpande, J.).

6. This Court has granted bail after a *prima facie* consideration of the nature of the evidence and the role attributed to Ashwin. Mr. M.K. Pathan, learned Additional Public Prosecutor fairly does not counter the submission of the learned Counsel Mr. Husain that in so far as the role in the alleged incident is concerned, Ashwin and the present applicant are on the same pedestal.

7. On merits and also on the principle of parity, the applicant is entitled to bail.

8. The application is allowed.

9. The applicant be released on bail in connection with Crime 314/2020 registered with Police Station Hudkeshwar, Nagpur for offences punishable under Sections 143, 147, 149 and 302 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, on he

executing personal bond in the sum of Rs.15,000/- with one solvent surety of the like amount.

10. The applicant shall attend Police Station Hudkeshwar once in a month i.e. on second Tuesday of every month from 3.00 to 5.00 p.m.

11. The applicant shall not cause any threat to any of the witnesses and shall not take any step which may prejudice to the prosecution case.

12. The application is disposed of.

JUDGE

adgokar