

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

Criminal Application (BA) 606/2021

Gopal Gingule V State of Maharashtra

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

Mrs. Sonali Saware/Gadhawe, appointed Advocate for applicant.
Mrs. K. Deshpande, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 26, 2021.

The applicant is seeking bail in connection with Crime 410 of 2020 registered with Police Station Ghatanji, District Yavatmal, under Sections 302, 506 read with section 34 of the Indian Penal Code (for short, 'I.P.C.').

2. The prosecution case is that co-accused Balya, the applicant and Ajay assaulted Swapnil, on 04-08-2020 at 4.30 p.m. and Swapnil succumbed to the injuries suffered, on 07-08-2020.

3. While the Bail application of co-accused Balya is rejected, co-accused Ajay is granted bail by this Court (Coram- Shri Vinay Joshi, J.) vide order dated 15-06-2021 in Criminal Application (BA) 344 of 2021.

4. The learned Counsel for the applicant Mrs. Sonali Saware/Gadhawe would submit that the applicant is similarly

situated to Ajay who is released on bail. The submission is well founded. Ajay is granted bail on the ground, that a limited role is attributed which is assault by fists, while the assault by stick, which proved fatal, is by Balya.

5. Even *de hors* the principle of parity, I have scrutinized the statements of the witnesses, and I am satisfied that a case for bail is made out.

6. The prime role is attributed to Balya. The previous enmity is with Balya. It is Balya who allegedly assaulted Swapnil with stick. The post mortem report attributes death to the injuries suffered due to assault by stick. The only role attributed to the applicant and that too by some of the witnesses, is assaulting Swapnil by fists. It is not even the case of the prosecution that the applicant has criminal antecedents or that he is likely to pose a flight risk.

7. A case for grant of bail is made out. This application is allowed subject to the following conditions.

8. The applicant be released on bail in connection with Crime 410 of 2020 registered with Police Station Ghatanji, District Yavatmal, under Sections 302, 506 read with section 34 of the I.P.C., on executing PR bond of Rs. 15,000/- (Rupees

Fifteen Thousand) with one solvent surety of the like amount.

9. The applicant shall, within 48 hrs of release from custody, furnish the current address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe and shall scrupulously update this information in case of any change.

10. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

11. The applicant shall not leave the country without the permission of the trial Court.

12. The fees of the learned Appointed Counsel be quantified and paid in accordance with the Rules.

JUDGE