

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

CRIMINAL APPLICATION (BA) NO.730 OF 2021

(Manoj s/o Motilal Kasdekar Vs. State of Maharashtra thr. PSO PS Dharni, Tq.
Dharni, Dist. Amravati)

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

Court's or Judge's orders.

Mr. D.S. Khushalani, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 2nd AUGUST, 2021.

The applicant is seeking bail in Crime 377/2020 registered with Dharni Police Station, District Amravati for offences punishable under sections 302, 307, 147, 148, 149, 188 of the Indian Penal Code and section 4 and 25 of the Arms Act.

2. Seventeen accused including the applicant are implicated in the crime.

3. The incident occurred on 07.07.2020 and is allegedly a fall out of land dispute between two families who are relatives.

4. The informant is Shivprasad Chimote who alleged that on 07.07.2020 the accused formed an unlawful assembly, and in order to give effect to a common object,

launched an indiscriminate and brutal assault on the family members of the informant, by means of spear, axe and sticks. Two persons Zapula and Rupla died and six were injured.

5. I have perused the material in the charge-sheet.

6. The role attributed to the applicant in the incident is that he assaulted injured witness Santosh with stick. Similar role is attributed to Mrs. Sunita Dhande and Sajan Sawalkar. While Mrs. Sunita Dhande is granted bail by this Court (Coram: Mrs. Pushpa V. Ganediwala, J.), the bail application of Sajan is rejected (Coram: Shri Vinay Joshi, J.).

7. Notwithstanding the submission of the learned counsel Mr. Khushalani that the principle of parity comes into play, I have no hesitation in holding that the bail granted to Mrs. Sunita Dhande is of no avail to the applicant. Mrs. Sunita Dhande is a woman. Notably, this Court has rejected the bail application of Sajan and the roles attributed to Sajan and the applicant are identical.

8. That apart, in the brutal assault two persons were killed and six injured. While it may be premature to record even a *prima facie* finding whether the applicant was a member of an unlawful assembly, or whether the common object was to cause death, considering the material on

record, and the fact that the bail application of similarly situated co-accused is rejected, I am not inclined to grant bail.

9. The application is dismissed.

JUDGE

NSN