

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

CRIMINAL APPLICATION (BA) 957 OF 2021

(Shivansh s/o. Santosh Prajapati...vs.. State, thr PSO, PS Jaripatka, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. C.R. Thakur, counsel for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:22.09.2021.

Heard.

2. The applicant is arraigned as accused 10 in Crime 282/2021, registered with Police Station, Jaripatka, Dist. Nagpur, for offences punishable under sections 302, 307, 326, 120-B, 341, 504, 143, 147, 148, 149 of Indian Penal Code and section 135 of Maharashtra Police Act.

3. It is alleged that the eleven accused, including a juvenile-in-conflict, allegedly assaulted Mr. Shubham Shende and his maternal uncle Mr. Jagdish Madne. The assault stems from an altercation between Mr. Jagdish Madne and one Dhanraj Bawne. It is alleged that Dhanraj Bawane set up his meat shop right in front of Mr. Jagdish Madne's residence and this led to bad blood. Mr. Shubham

suffered injury to the hand and Mr. Jagdish Madne was dealt a solitary blow on buttock with a sharp edged weapon. Mr. Jagdish Madne died due to excessive bleeding, is the prosecution version. The statements of witnesses reveal that co-accused Raju Katre and Akash Rajpoot arrived at the scene alongwith their associates. The injury which Mr. Jagdish and Mr. Shubham suffered, is attributed to Raju Katre and one unnamed associate. While the prosecution has conducted test identification parade, and five witnesses allegedly identified the applicant, considering the statements of the witnesses and the fact that after the identification, there is no supplementary statement recorded, there is no prima facie material to attribute any specific role, much less a prominent role to the applicant in the assault.

4. Co-accused Raj Prajapati, who is broadly similarly situated, is released on bail by this Court vide order dated 31.8.2021 in Criminal Application (BA) 799/2021.

5. The applicant is entitled to bail, both on the principle of parity, and on merits.

6. The Application is allowed.

7. The applicant shall be released on bail in connection with 282/2021, registered with Police Station, Jaripatka, Dist. Nagpur, for offences punishable under sections 302, 307, 326, 120-B, 341, 504, 143, 147, 148, 149 of Indian Penal Code and section 135 of Maharashtra Police Act, on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

8. The applicant shall report at the concerned police station on the 1st and 15th day of every month and shall obtain acknowledgment/confirmation of attendance in a diary separately maintained for that purpose. Any breach of this condition may ipso facto entail in cancellation of bail, if an appropriate motion is moved by the State.

9. While on bail, the applicant shall not indulge in any criminal activity and breach of this condition shall ipso facto entail in cancellation of bail, if an appropriate motion is moved by the State.

10. The applicant shall not make any attempt to contact much less influence any witness and shall not enter

the territorial limits of Jaripatka Police Station, Nagpur, save and except to mark the attendance or to attend the dates of hearing.

11. The applicant shall scrupulously attend every date of hearing and any default, unless condoned by the trial Court, shall entail in cancellation of bail.

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

Judge

Belkhede