

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1257 OF 2022

Dipak Nagnath Mane ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Ms. Rebecca Gonsalves alongwith Mr. Dashrath Gaikwad instructed by Dr. Yug Mohit Chaudhary for the Applicant.

Ms. P.P. Shinde, APP for the State.

Mr. Swapnil Ijjapwar, Assistant Police Inspector, Barshi City Police Station, present.

.....

CORAM : N.R. BORKAR, J.

DATED : 20 OCTOBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 590 of 2018 registered at Barshi City Police Station, for the offence punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Section 4 r/w. 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

3. It is the case of prosecution that on 28 October 2018 at about 8.00 p.m. the present applicant alongwith other co-accused assaulted the

deceased Ankul Shridhar Chavan, by sword, koyta, iron rod etc. and committed his murder on account of previous dispute.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant has placed on record the copy of the order passed by the Sessions Court by which the learned Sessions Court has released co-accused Vijay Wagh. It is submitted that the role attributed to the co-accused Vijay Wagh and to the present applicant in crime in question is identical. It is submitted that applicant thus needs to be released on bail on the ground of parity.

6. The learned APP for the State submits that considering the nature of offence applicant may not be released on bail.

7. I have perused the charge-sheet and more particularly the statement of first informant, who according to the prosecution is an eye-witness to the incident and he also appears to be brother of the deceased. Perusal of his statement shows that the role attributed to the co-accused Vijay Wagh and to the present applicant is identical. The Sessions Court has released the said co-accused Vijay Wagh on bail. Considering this fact, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Dipak Nagnath Mane be released on bail in Crime No. 590 of 2018 registered at Barshi City Police Station, for the offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Section 4 r/w. 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)