

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

CRIMINAL APPLICATION (BA) NO. 814 OF 2022

Deepak @ Ravindra Ashokrao Turak **Versus** State of Maharashtra, through PSO PS Rajapeth, Dist. Amravati)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M. Daga, counsel for the applicant.

Shri T.A.Mirza, APP for the non-applicant No/State.

CORAM : ANIL S. KILOR, J.
DATED : 26/07/2022

1. The applicant is seeking bail in Crime No. 489 of 2021, registered with Police Station Rajapeth, District- Amravati, for the offences punishable under Sections 302, 336, 504, 325 read with Section 34 of the Indian Penal Code, 1860.

2. Shri R.M.Daga, learned counsel for the applicant submits that, the allegations against all the three accused persons including the applicant are similar that, all have assaulted the deceased on his head and face by Rafter, Wooden Rod and Bricks. Whereas, in the Post Mortem Report, only one injury was found i.e. crushed head injury, on the person of the deceased.

3. He further pointed out from the query report that, it is opined that the injury mentioned in Column No. 17 of the Post Mortem Report is possible by all the three weapons i.e. Rafter, Wooden Rod and Bricks. He, therefore, submits

that the Post Mortem Report does not fully support the case of the prosecution and creates doubt.

4. He further submits that the other two co-accused have been granted bail by this Court and as such the applicant is entitled for grant of bail on the principle of parity.

5. He lastly argues that, the applicant is in jail from last about one year and as the investigation is completed, further custody of the applicant is not necessary.

6. On the other hand, learned APP strongly opposed the present application and submits that the offence is serious and considering the severity of punishment which conviction will entail, this Court may not grant bail to the applicant.

7. I have perused the charge-sheet and the FIR.

8. This Court, has granted bail to the co-accused against whom similar allegations are there in the FIR. Moreover, the PM Report, *prima-facie*, does not fully support the case of the prosecution. The query report states that, the injury mentioned in column No.17 of the PM Report is possible by all the three weapons i.e. Rafter, Wooden Rod and Bricks. The allegation against the applicant is that, he gave a blow by Rafter on the head of the deceased.

9. Thus, considering the nature and evidence available on record and the allegations made in the FIR or the role attributed by the witnesses to all the accused persons. *Prima-facie*, at this stage, it is difficult to say that at whose instance, the injury mentioned in the column No. 17 was caused, which resulted into demise of the deceased.

10. In the circumstances, as the applicant is in jail from last one year and there is no likelihood that the trial will commence in near future, I am of the opinion that for the reasons recorded here-in-above and on the principle of parity, the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in Crime No. 489 of 2021, registered with Police Station, Rajapeth, District Amravati, for the offences punishable under Sections 302, 336, 504, 325 read with Section 34 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on every 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till the culmination of trial.
- d) The State is at liberty to apply for cancellation of bail, in case of breach of any condition or the applicant commits any serious offence.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]