

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

CRIMINAL APPLICATION (BA) NO. 862 OF 2022

Akshay Anandmohan Ahir (Akshay Mohan Ahir) **Versus** State of Maharashtra,
through PSO Khamgaon City PS Dist. Buldhana.

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

Court's or Judge's Order

Shri A.A.Naik, counsel a/b Shri A.D. Bhate, 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. 170 of 2021, registered with Police Station Khamgaon City, Dist. Buldhana, for the offences punishable under Sections 307, 325, 143, 147, 148, 149, 509 of the Indian Penal Code, 1860.
2. Shri Naik, learned counsel for the applicant submits that, except the applicant, all other accused persons have been released on bail either or pre-arrest bail or regular bail. Therefore, he submits that, the applicant is entitled for grant of bail on principle of parity.
3. Shri Naik, learned counsel for the applicant points out that, all the injured were discharged on the same date of incident and no grievous injuries were found on them.
4. He further submits that, as the investigation is completed and the charge-sheet has been filed, no further

custody of the applicant is not necessary in this case. Accordingly, he prays for grant of bail.

5. On the other hand, learned APP strongly opposed the present application and submits that there are statements of eye witnesses, who have stated the role of the applicant in the alleged offence and also the weapon used by the applicant. Accordingly, he prays for rejection of the present application.

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

7. In this case, the offence under Section 307 is registered and after considering the injuries and the fact that all injured persons were discharged on the same date of the incident, *prima-facie*, as no grievous injuries were found on any injured person, it creates doubt about veracity of the allegations attracting Section 307 in this case.

8. Furthermore, the investigation is completed and charge-sheet has been filed, as such no further custody of the applicant is not necessary.

9. In the above referred backdrop after considering the fact that, all other co-accused persons have been released on bail, I am of the opinion that, the applicant is entitled for grant of bail on parity, as the applicant is similarly circumstanced. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that in Crime No. 170 of 2021, registered with Police Station, P.S. Khamgaon city Dist. Buldhana, for the offences punishable under Sections 307, 325, 143, 147, 148, 149 and 509 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.]