

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

Criminal Application (BA) No. 909 of 2022

Komal Namdev Girsawale **Versus** The State of Maharashtra thr. PSO., PS.
Hinganghat, District Wardha.

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

Court's or Judge's Order

Shri M.N.Ali, counsel for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 25/08/2022**

1. The applicant is seeking bail in connection with Crime No. 272 of 2022, registered with Police Station, Hinganghat, District Wardha for the offences punishable under Sections 326, 504, 34 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submits that, the co-accused persons have been released on bail and as such, the applicant is entitled for grant of bail on parity.

3. He submits that, the applicant is a young boy, who is the student and as the investigation is completed and the charge-sheet has been filed, further custody of the applicant is not necessary. Accordingly, he prays for grant of bail.

4. On the other hand, learned APP strongly opposed the present application and he submits that there are statement of witnesses and recovery of Iron Rod from the

applicant. The injuries on the person of the complainant were grievous and thus considering the nature and seriousness of the offence, this Court may not grant bail. Accordingly, he prays for rejection of the present application.

5. I have perused the charge-sheet and the application.

6. From the charge-sheet, it can be seen that the applicant gave a blow by Iron Rod on the head of the complainant because of which he caused grievous injury on the head.

7. If the role attributed to the applicant or weapon used by the applicant are considered with the role attributed and weapon used by the co-accused who have been released on bail, it can be seen that the applicant is similarly circumstanced with the other co-accused who have been released on bail. Accordingly, this is not the case where the applicant can claim parity.

8. In this case, the investigating officer has collected sufficient incriminating material which *prima-facie* shows the involvement of the applicant in the alleged offence.

9. Thus, considering the nature and seriousness of the offence and severity of the punishment which conviction will entail, I am not entitled to grant bail. Accordingly, I pass the following order:

The criminal application is **rejected**.