

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

Criminal Application (BA) No. 998 of 2022

Jaisen S/o Wagen Ingle

Versus

State of Maharashtra, through Police Station Officer, Police Station
Civil Lines, Tq. Dist. Akola

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

Court's or Judge's Order

Shri Ajay S. Londhe, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 5th SEPTEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0138 of 2022 registered with Police Station Civil Line, Akola, Dist. Akola for the offence punishable under Sections 302, 143, 147, 149, 504 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that some of the co-accused have been released on bail and since his role is similar with the co-accused, who have been released on bail the applicant is entitled for grant of bail on parity.

3. Learned counsel for the applicant further submits that the investigation is completed and the chargesheet has been filed, as such his further custody is not required. He lastly argues that applicant is in jail for about two and half years and there is no progress in trial. He, therefore, submits that applicant may be released on bail.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that in this crime two persons have lost their lives. He, submits that it is a double murder case.

5. Learned Additional Public Prosecutor further points that the role of the applicant and the role of the co-accused who have been released on bail, cannot be considered as similar. Accordingly, he submits that the applicant cannot claim parity in this case.

6. Learned Additional Public Prosecutor further opposes the present application on the ground that the offence is serious and considering the severity of punishment, he submits that this Court may not grant bail to the applicant.

7. I have perused the chargesheet and the application.

8. From the chargesheet, it can be seen that, there is incriminating material against the applicant which shows that the applicant is involved in the alleged offence. In the postmortem report as many as 10 injuries are shown on the body of the deceased which were lacerated wound and contusion.

9. There are specific allegations against the applicant that he assaulted by iron pipe. Furthermore, in view of invocation of Section 149 of Indian Penal Code, what role is attributed to the applicant, has relevance as there is sufficient material to show that it was unlawful assembly with common intention. In the circumstances, I am not inclined to grant bail to the applicant. Accordingly, I pass the following order.

i. Criminal application is rejected.

[ANIL S. KILOR, J.]

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by
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K NAIR
Date: 2022.09.07
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