

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

Criminal Application (BA) No. 1027 of 2022

Ganesh S/o Panditrao Jadhav

Versus

State of Maharashtra, through Police Station Officer,
Police Station Ramnagar, Gondia

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, Advocate for the applicant.

Shri S.M.Ghodeshwar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 6th SEPTEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 15 of 2022 registered with Police Station Ramnagar, Gondia for the offence punishable under Sections 307, 120-B, 201 of Indian Penal Code read with Sections 3, 25 and 26 of Arms Act.

2. Learned counsel for the applicant submits that co-accused has been released on bail by this Court vide order dated 17th August, 2022. He submits that the applicant is similarly circumstanced.

3. It is pointed out that the only ground against the applicant is that when the threat was

allegedly given to the complainant by the accused no.1, the applicant was present and he also gave threat.

4. He further submits that the present crime is the outcome of the dispute between the accused no.1 and Santu Rao and civil suit is also pending in respect of the declaration of title of the land in question. Accordingly, he prays for grant of bail, as further custody of the applicant is not necessary.

5. On the other hand, learned Additional Public Prosecutor has strongly opposed the present application and he prays for rejection of the present application.

6. I have perused the chargesheet and the application.

7. This Court vide order dated 17th August, 2022 granted bail to co-accused Uday after recording the reasons for the same.

8. Paragraphs 11 to 15 of the order dated 17th August, 2022 granting bail to co-accused Uday are relevant which read thus:

11. The applicant has filed a civil suit claiming declaration as owner of the said plot, which is pending.

12. The allegations made in the FIR show that six months prior to lodging of the FIR, the informant and Santu Rao went to the applicant, thereupon, the present applicant asked the informant and Santu Rao

to sell the said plot to him and on refusal by Santu Rao, there was verbal altercation and during which the applicant threatened them. However, after the said incidence, till lodgment of the FIR or the alleged incidence there was no threat or any overtact attributed to the applicant.

13. The allegations made in the FIR further show that the assailants, before firing a shot through pistol, uttered that, why the informant was interfering in the matters of the accused Nos.1 and 2.

14. Thus, it can be seen that, the threat given by the applicant six months prior to lodgment of the report and the utterance of certain words by the assailants before firing a shot by pistol, is the basis to arraign the applicant as an accused in this case.

15. Prima-facie, there are certain contradictions in the statements of the witnesses. However, at this stage, I refrain myself from making any comment on the same.

9. Considering the allegations against the applicant, it can be seen that the case of the applicant is similar with the co-accused Uday who has been released on bail. Thus, the applicant is entitled for grant of bail on the principle of parity. Accordingly, I pass the following order.

- i. Criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No.15 of 2022, registered with Police Station, Ramnagar, Gondia, District : Gondia for the

offences punishable under Sections 307, 120-B, 201 of Indian Penal Code read with Sections 3, 25 and 26 of Arms Act, on his furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii. The applicant shall not enter into the territorial jurisdiction of Gondia till culmination of the trial;

iv. The applicant shall provide his address and name of the nearest Police Station which he shall attend on every first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till culmination of the trial;

v. The applicant shall not tamper with the prosecution evidence;

vi. The State is at liberty to move for cancellation of bail if any default on the part of the applicant;

vii. The applicant shall attend the trial on each and every date before the Special Court unless exemption is granted by the Special Court.

[ANIL S. KILOR, J.]

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