

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

CRIMINAL APPLICATION (BA) NO.1167 OF 2022

(ROSHAN RAMESH TAYWADE....VS.. STATE OF MAH. THR. PSO PS MORSHI, DIST. AMRAVATI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.V.Navlani, Advocate for Applicant.
Ms Kalyani Deshpande, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 06, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.335 of 2022, registered with Police Station, Morshi, District: Amravati (Rural) for the offences punishable under Sections 307, 323, 324, 504, 506, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that in the beginning the offence was registered under Section 323 of the Indian Penal Code and subsequently Section 307 of the Indian Penal Code was added and the applicant was arrested on 20/07/2022 and since then he is in jail. It is submitted that the investigation is almost completed and therefore, further custody of the applicant is not required. He submits that the co-accused has been released on bail on 06/09/2022. Hence, he prays for grant of bail on the ground of parity.

4. On the other hand, the learned A.P.P. strongly opposed the application. She submits that considering the injuries Section 307 of the Indian Penal Code was added. She further submits that as the offence is serious this Court may not grant bail to the applicant.

5. I have perused the case diary and the application.

6. From the injury report it can be seen that the injuries are on thigh, knee, chick and neck of the victim. Thus, considering the nature of the injuries and the period of incarceration, the fact that the investigation is almost completed, custody of the applicant is not necessary. The co-accused has already been released on bail and the applicant is similarly circumstanced, thus, he is entitled for grant of parity as well. 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.335 of 2022, registered with Police Station, Morshi, District: Amravati (Rural) for the offences punishable under Sections 307, 323, 324, 504, 506, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code, on furnishing P.R.Bond

of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;
- iv) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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