

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

CRIMINAL APPLICATION (BA) NO.1371 OF 2022

Vilas S/o Balwant Bhagat .Vs. State of Maharashtra, through P.S.O. Wadgaon Jungle,
Tq. & Dist. Yavatmal

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

Court's or Judge's Order

Shri F.R. Kashif, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant/State.

Shri P.S. Gade, Adv. h/f Shri V.D. Darne, Advocate (Assist to prosecution).

CORAM : ANIL S. KILOR, J.

DATED : 20/12/2022

1. Heard.
2. The applicant is seeking bail in Crime No.129 of 2022, registered with Police Station: Wadgaon, District: Yavatmal, for the offences punishable under Sections 307, 435, 447, 452 and 294 read with Section 34 of the Indian Penal Code.
3. The prosecution story is that, the complainant Chandrakant Gade having 40 acres of agricultural land and for that purpose, he is having a tractor. He further states in his complaint that the present applicant is also having an agricultural land vide survey No.433 and the applicant tried to show his ownership on the survey No.430 which was belonging to the complainant. On the date of incidence when the complainant was doing his agricultural work at around 11.45 a.m. the applicant along with his brother came at the spot of incidence i.e. agricultural land and started

verbal altercation as to why you are driving tractor in their land. The applicant started abusive language against the complainant. The applicant and his brother both started using abusive and filthy language and brother of the present applicant asked the present applicant to burn the tractor and accordingly, the present applicant poured petrol on the tractor and set fire stick thereby threatened the complainant and give life threat. The complainant had further stated in his complaint that with the help of villagers present in the agricultural field, the complainant somehow managed to extinguish fire.

4. The applicant is in jail since 16.07.2022. In this case the investigation is completed and the charge-sheet has been filed.

5. Thus, considering the fact that the charge-sheet has been filed coupled with the period of incarceration of the applicant, I am of the opinion that the bail cannot be denied to the applicant. There is one more reason that the co-accused whose role is similar, has already been released on bail. Thus, the applicant is entitled to be released on the principle of parity. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.129 of 2022, registered with Police Station: Wadgaon, District: Yavatmal, for the offences punishable under Sections 307,

435, 447, 452 and 294 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall not enter into the territorial jurisdiction village Aakpuri, Tq. & Dist. Yavatmal, till the culmination of the trial, except for trial.
- d) The applicant shall provide his address along with name of the nearest Police Station and shall attend the concerned Police Station on 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

JUDGE