



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

CRIMINAL APPLICATION (BA) NO. 725 OF 2023

(SUNIL SHIVLAL SARANGPURE

VS

STATE OF MAH. THR. PSO, PS YASHODHARA NAGAR, NAGPUR DIST. NAGPUR.)

WITH

CRIMINAL APPLICATION (BA) NO. 594 OF 2023

(ANKITKUMAR NEMICHAND YEVNATI

VS

STATE OF MAH. THR. PSO, PS YASHODHARANAGAR DIST. NAGPUR.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

CRIMINAL APPLICATION (BA) NO. 725 OF 2023 :-

Mr. Masood Shareef, Mr. A. J. Mirza, Mr. S. T. Khan,
Advocates for applicant.

Mr. A. M. Kadukar, APP for respondent State.

CRIMINAL APPLICATION (BA) NO. 594 OF 2023 :-

Mr. Mir Nagman Ali, Advocate for applicant.

Mr. A. M. Kadukar, APP for respondent State.

CORAM : M. W. CHANDWANI, J.

DATE : 08/09/2023

Both these applications are arising out of
the same crime and incident, therefore, they are
being disposed of by this common order.

2. The present applicants in both these
applications are seeking bail in connection with crime
No.481/2021,registered with Yashodharanagar Police

Station, District Nagpur, initially for the offence punishable under Sections 307 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC) and subsequently Sections 302, 143, 144, 147, 148 and 149 of the IPC were added.

3. Heard learned counsel for the respective counsel for the applicants, as well as learned APP for the respondent State.

4. The prosecution's cases are that on 19/07/2021 at about 9.30 p.m. when deceased was standing in front of Shaurya Fitness Gym, the accused Manish Shahu along with applicants and two persons came there. On the previous quarrel with the relative of deceased, they assaulted the deceased and gave knife blow on the abdomen of deceased Atul Dhakate. The deceased sustained grievous injury and was moved to the hospital; the deceased succumbed to the injury. On the complaint lodged by Mangesh Ramkrishna Dhakate, aforesaid offences came to be registered.

5. It is common ground of both the applicants that they have not played major role in the crime. The name of both these applicants did not appear in First Information Report (FIR). The accused Tushar, who was assigned the role of knife

blow on the person of deceased has already been released on bail. The charge-sheet has been filed. The applicants are behind the bar since more than two years. There is no likelihood of applicants being flee away from the justice. Learned counsel for the applicants submit that on merit as well as on the ground of parity the applicants are entitled to be enlarged on bail.

6. Per contra learned APP for the respondent State vehemently submits that there are eye witnesses who have seen the assault made by the present applicants on the person of deceased. Even there is dying declaration of the deceased. According to him, the knife blow is also attributed to applicant Sunil Sarangpure. The knife and blood stained clothes were also recovered from applicant Sunil. He submits that there is *prima facie* case against the applicants of their involvement in the crime. If the applicants are enlarged on bail, there is every possibility of threatening the prosecution witnesses or tampering the prosecution evidence.

7. Perusal of the charge-sheet goes to show that one knife and blood stained clothes were recovered at the instance of applicant Sunil. There is

no direct evidence of any of eye witnesses that the applicant Sunil has played role of giving knife blow.

8. This Court by order dated 15/06/2023 has already released one co-accused Tushar Verma from whom the knife and blood stained clothes were recovered. Thus, the case of the applicant is similarly situated as the case of accused Tushar, who has been released on bail. Therefore, I find substance in the contention of the learned counsel for the applicant Sunil that ground of parity will be applicable to the applicant Sunil.

9. As far as applicant Ankitkumar Yevnati is concerned, only clothes have been recovered from him. The prosecution has assigned the role to present applicant is of assaulting deceased by fists and blows. Thus, the gravity of the allegation against the applicant Ankitkumar is less than what has been alleged against the applicant Sunil. Charge-sheet has already been filed. There is no likelihood that the applicants will flee away from justice. Considering the nature of allegations against the applicant Ankitkumar and his period of custody, a case is made out by him for enlarged on bail. Hence the following order :-

ORDER

(a) Both these applications are allowed.

(b) The applicants, namely, (i) **Sunil Shival Sarangpure** and (ii) **Ankitkumar Nemichand Yevnathi**, in connection with Crime No.481/2021, registered with Police Station Yashodhara Nagar, Nagpur shall be released on bail on executing P.R. bond of **Rs.30,000/-** (Rupees Thirty Thousand only) each with one solvent surety in the like amount.

(c) The applicants shall not leave the jurisdiction of Yashodhara Nagar Police Station.

(d) The applicants shall attend the Yashodhara Nagar Police Station on every Monday between 10.00 am. to 01.00 pm. till conclusion of trial.

(e) The applicants shall not induce, pressurize and threaten any witnesses who are connected with the alleged crime and they shall not contact the witnesses in any manner.

(f) The applicants shall furnish their cellphone numbers and address with address proof and additionally they shall furnish names of their two relatives along with their address-proof before the Court.

(g) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

(h) The observations made herein are prima facie. The trial Court shall not get influenced by the observations made in this order.

Both these applications are disposed of.

[M. W. CHANDWANI J.]