



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

CRIMINAL APPLICATION (BA) NO.730 OF 2023

Karansingh Santoshsing Bawari .Vs. State of Mah. through P.S.O., P.S. Deoli, Dist.
Wardha

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

Court's or Judge's Order

Shri M.V. Rai, Advocate for applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 06/09/2023

1. This is a successive bail application after withdrawal of the first application on 27.07.2022. From the charge-sheet, it can be seen that, the applicant is not the author of the injury because of which the deceased died.

2. Moreover, *prima facie*, it can be seen that, the offence is not premeditated but it took place on sudden provocation. This Court has granted bail to the co-accused whose role is similar to the role of the applicant. This Court on 09.08.2023 has recorded the following observation:

“5. Heard learned counsel for the applicant and learned APP for the State. Perused the investigation papers. From the investigation papers, it reveals that the present applicant and other co-accused arrived at the egg stall (spot) to eat egg and there was some hot altercation between the egg stall owner as well as other adjacent stall owners and the present applicant. In the said hit of passion, the co-accused took out the gupti (drager) and gave a blow on the chest of the deceased. As far as the

role of the present applicant is concerned, though he was holding a weapon like knife but he has not caused any injury to anybody and left the place along with the co-accused. Considering the role of the present applicant, as he has not caused any injury to the deceased or any other prosecution witnesses, the only role attributed to the present applicant is that he was present along with the co-accused. Now the investigation is completed and charge-sheet is already filed. As far as the apprehension raised by the prosecution is concerned, some conditions can be imposed on the present applicant.”

3. In the circumstances, I am of the opinion that, the applicant is entitled for grant of bail on the principle of parity.

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount in Crime No.02 of 2022, registered with Police Station: Deoli, District: Wardha, for the offences punishable under Sections 302, 323, 294, 506 and 201 read with Section 34 of the Indian Penal Code.
- c) The applicant shall not entered into the jurisdiction of Deoli Police Station.

- d) The applicant shall attend the Police Station Sawangi Meghe on 01st and 16th of each month between 10.00 a.m. to 12.00 noon.

The criminal application is accordingly
disposed of.

JUDGE