



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

Criminal Application [BA] No.834 of 2023

Laksh Anant Bavaria

vs.

State of Maharashtra, through P.S.O., Police Station Pachpaoli, Nagpur

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

Court's or Judge's Orders

Mr. T.M. Malnas, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-Applciant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 10th OCTOBER, 2023.

By the present application, the applicant seeks bail in connection with Crime No.1346/2022, registered with Police Station Pachpaoli, Nagpur for the offences punishable under Sections 302, 34, 143, 144, 147, 148 and 149 of the Indian Penal Code.

03] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the non-applciant/State.

04] Having gone through the charge-sheet, it transpires that dispute arose on previous enmity between the deceased and co-accused Ashok Gupta. On the day of incident i.e. 27/12/2022 at about 05:30 p.m., on the instigation of co-accused Ashok Gupta, another co-accused Lokesh Gupta unleashed knife blows on the stomach, neck and face of deceased Shankar and co-accused Mihir assaulted the deceased by fist blows, whereas the present applicant and co-accused Piyush had caught hold the deceased and facilitated the co-accused Lokesh. On the complaint of the brother of the deceased, aforesaid offence came to be registered against the applicant and other co-accused.

05] Perusal of the charge-sheet and statement of witnesses goes to show that the main role is played by co-accused Ashok Gupta and Lokesh Gupta. It is the co-accused Lokesh Gupta, who gave knife blows on the vital part of the deceased. The allegation against the present applicant is of holding the deceased. It appears that co-accused Mihir, who had assaulted the deceased by fist blows, has already been released on bail by this Court. Even, co-accused Piyush, who had played similar role to that of the present applicant, has also been released on bail by the Additional Sessions Judge vide order dated 04/09/2023.

07] Considering the role assigned to the present applicant in crime and the ground of parity, a case is made out for exercising discretion in favour of the applicant. Hence, the following order :

ORDER

- I. Applicant-Laksh s/o Anant Bavaria shall be released on bail in connection with Crime No.1346/2022, registered with Police Station Pachpaoli, Nagpur on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount, before the trial Court.
- II. The applicant shall furnish the cellphone number(s) and address with address proof. In addition, the applicant shall also furnish the names of his two relatives and their addresses with address proofs.
- III. The applicant shall not tamper with the prosecutions evidence and shall not threaten or pressurize any

witness, who are connected with the crime, in any manner.

IV. The application is allowed and disposed of accordingly.

JUDGE

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