



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

CRIMINAL APPLICATION (BA) NO. 926 OF 2023

Sudama S/o. Bansi Raysadar

.Vs.

State of Maharashtra, Through PSO, PS Yashodhara Nagar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Yusuf Jameel Sheikh, Advocate for the applicant
Mr Sooraj S. Hulke, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 18, 2023

1. Heard.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 made by the applicant/accused No.2 seeking bail in Crime bearing No. 47 of 2023 registered at Police Station Yashodhara Nagar, Nagpur for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code.

3. Learned Advocate for the applicant/accused No.2 submitted that accused No.3 has been granted bail. Learned Advocate pointed out that the role attributed to this applicant/accused No.2 is lesser than the role

attributed to accused No.3. Learned Advocate submitted that therefore, on the ground of parity the applicant/accused No.2 is entitled for bail. It is pointed out that the main assault with the knife was carried out by accused No.1 and the knife was recovered at his instance.

4. Learned APP submitted that the role attributed to accused No.2 is that at the time of incident he has pelted bricks at the deceased and as such, was responsible for causing injuries.

5. It is the case of the prosecution that the deceased and injured went to the house of the accused and started abusing and assaulting them. There was a dispute between them on account of parking of vehicle. It is stated that on account of this the quarrel ensued and which resulted into stabbing of the deceased by accused No.1. Perusal of the record indicates that the deceased and injured Ramakant were the initiator of the quarrel. No injury, either sustained by the deceased or Ramakant, has been attributed to accused No.2. The charge-sheet has been filed. Considering the material against accused No.3, he has been released on bail. In my view, in this case, the ground of parity pressed into service by accused

No.2 is fully justified. In the facts and circumstances, I am inclined to grant application. Accordingly, I pass the following order:

- i) The Criminal application is allowed.
- ii) Applicant/accused No. 2-Sudama S/o. Bansi Raysadar be released on bail in Crime No.47 of 2023, registered with Police Station Yashodhara Nagar, District: Nagpur for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall not enter within the jurisdiction of police Station Yashodhara Nagar, Nagpur till conclusion of the trial.
- vi] The applicant shall co-operate the learned trial judge in the conduct of the trial.

6. The Criminal Application stands **disposed of** accordingly. Pending application, if any, stands disposed of.

(G. A. SANAP, J.)

Namrata