



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

CRIMINAL APPLICATION (BA) NO. 102 OF 2024

Shubham Nararyan Mapari V/s State of Maharashtra

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

Court's or Judge's Order

Mr. K.V.Deshmukh, counsel for the applicant.

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/02/2024.

1. By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 10/07/2023, in connection with Crime No. 200/2023 registered with Police Station, Lonar, Tq. Lonar, District Buldhana, for the offence punishable under Section 302, 504 read with Section 34 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is that on 09/07/2023 when the informant at his house, he received the information that his son was assaulted by one Shubham @ Vishal Bharaskar and his friends, after that he was taken to the hospital. He immediately rushed to the hospital and saw that his son has sustained the injury on his abdomen. On inquiry with the friends of his son, namely Avinash Rajendra Sarkate, he came to know that, the along with the deceased had been to have a lunch at Tejas Bar, at the relevant time co-accused Shubham alias Vishal Bharaskar, the present applicant and the

other co-accused assaulted the deceased, due to the old dispute. It is further alleged that co-accused- Shubham alias Vishal Bharaskar gave a blow by knife on his abdomen, on the basis of the report, the Police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the role of the present applicant is concerned, which is similar to the co-accused – Uday Vinod Satpute who is already released on bail. Therefore, on the ground of parity also, the present applicant deserves to be released on bail. He further submitted the role attributed to the present applicant is that he was holding the hand of the deceased when a blow of knife was given by the co-accused on the deceased. Thus, no overt act is attracted to the present applicant. Now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required, and prays for releasing him on bail.

4. The said application is strongly opposed by the State on the ground that the offence is of a serious nature. The co-accused was able to give a blow of knife as present applicant and other co-accused hold the hand of the deceased. Considering the role attributed present applicant, prima-facie case is made out and therefore, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, so far as the role of the present applicant is

concerned, which is only to the extent that he has abused the deceased, and hold the hand of the deceased when the co-accused have given the blow of knife on his abdomen. The allegation is made on the basis of information received by the informant from Avinash Rajendra Sarkate. The statement of eye witness Avinash Rajendra Sarkate also assigned the similar role to the present applicant. Considering the fact that the co-accused to whom the similar role is assigned is released on bail. The present applicant is entitled to be released on bail, on the ground of parity.

6. Considering the role attributed to the present applicant and now investigation is completed and charge-sheet is filed, the application deserves to be allowed. In view of that, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) In connection with Crime No. 200/2023 registered with Police Station, Lonar, Tq. Lonar, District Buldhana, for the offence punishable under Section 302, 504 read with Section 34 of the Indian Penal Code, 1860, the applicant Shubham Narayan Mapari shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the vicinity of Mapari Galli, Lonar, Tah. Lonar District Buldhana, till the culmination of the trial.

- d) The applicant shall furnish his detailed address where he would stay after releasing him on bail and shall attend the trial Court on each and every date.
- e) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- f) The contravention of any of the conditions would lead to the cancellation of bail of the present applicant.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]