



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

CRIMINAL APPLICATION (BA) NO. 146 OF 2024

SUVARTA MADHUKAR DUKARE AND OTHERS

Vrs.

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

Shri Ved R. Deshpande, Advocate for applicants.

Shri A. R. Chutke, A. P. P. for respondent-sole.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 29/02/2024.

1. The applicants came to be arrested on 12/10/2023 in connection with Crime No.302/2023 registered under Sections 302, 143, 147, 148, 149 and 504 of the Indian Penal Code.

2. The accusation against the present applicants is on the basis of report lodged by Shivaji Uttam Sapate alleging that he is the owner of Gat No.314 admeasuring 14 acres 23 R and dispute is pending in between the present applicants and other co-accused and his family members on account of said land. On 11/10/2023 at 8.30 p.m., the elder brother Gajanan Sapate has brought the entire Soyabin and kept it near Hanuman Temple in the said premises. As brother of the informant had been to the Hanuman Temple to verify the articles i. e. gunny bags of the said Soyabin, the informant has also followed him, at that time, it reveals that all the accused along with the

present applicants came on the spot in one vehicle and were assaulting his brother Gajanan. It is specifically alleged that the co-accused Narayan was holding an iron rod and assaulting the deceased Gajanan and present applicant along with other co-accused Narmada were assaulting Gajanan. On the basis of said report, police have registered the crime.

3. The learned counsel for the applicants submitted that the similar role is attributed to the co-accused Narmada who is already released on bail. The death of the deceased is not caused due to fist and kick blows. The deceased had sustained the injuries in the nature of laceration which are 4 in number, which is not attributed to the present applicants. The role of the present applicants is similar to the role of the accused who is already released on bail. On the ground of parity also, the present applicants are to be released on bail.

4. Learned APP strongly opposed the application on the ground that all the applicants in furtherance of their common object, assaulted the deceased and caused his death. In view of that, application deserves to be rejected.

5. Having heard learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR. The statements recorded during the investigation from which it reveals that only role attributed to the present applicants and they have assaulted by fist and kick blows. No overtact is attributed

to the present applicants. The role of the present applicants and the role of the co-accused Narmada who is already released on bail is similar. Considering the same on the ground of parity also, present application deserves to be allowed. Accordingly, I pass the following order :-

ORDER

- i] The application is allowed.
- ii] The Applicant Nos. 1] **Suvartha Madhukar Dukare**, 2] **Jyoti Kisan Dukare** and 3] **Chanda Narayan Dukare** be released on bail in connection with Crime No.302/2023 registered under Sections 302, 143, 147, 148, 149 and 504 of the Indian Penal Code, on executing P. R. Bond of Rs.25,000/- each with one solvent surety of the like amount.
- iii] The applicants shall not enter into Gut No.314 situated at Karli Shivar and also in the vicinity of Yeranda, Tq.Malegaon, Dist. Washim, till culmination of trial.
- iv] The applicants shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.

6. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]