

- **CrPC S. 439 - When the accused were charged for the offences punishable under Section 149 of the IPC also and when their presence has been established and it is stated that they were part of the unlawful assembly, the individual role and/or overt act by the individual accused is not significant and/or relevant - IPC, S. 149.**

Held, High Court has granted the bail to respective respondents in such serious offences in which one person was killed mechanically and without applying the correct facts - High Court has not at all appreciated the fact that all the accused were charged for the offences punishable under Sections 147, 148 and 149 also along with Section 302 of the IPC and that all the accused persons with a common intention attacked the deceased - by deadly weapons like sword, hockey, stick and rod - High Court has noted the submissions made on behalf of the accused that role attributed to respective respondents No.2 that using the wicket as weapon it is difficult to decipher at that stage that the accused have caused fatal injury over the person - When the accused were charged for the offences punishable under Section 149 of the IPC also and when their presence has been established and it is stated that they were part of the unlawful assembly, the individual role and/or overt act by the individual accused is not significant and/or relevant.

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