

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 52 OF 2015

Fares Ali Bin Biles (Chaus)
Age : 20 years, Occu. Business,
R/o Jafarkhan Chal, Old Jalna

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. Joydeep Chatterji, Advocate for the applicant
Mr. S.M. Jadhav, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 05/02/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Kadim-Jalna Police Station, District Jalna in Crime No. 278/2013, for the offences punishable under section 307, 302, 143, 147, 148, 149, 323 of the I.P. Code and under section 4/25 of the Indian Arms At and under section 135

of the Bombay Police Act, is praying for his release on bail. His earlier application bearing Criminal Application No. 1728/2014 was allowed to be withdrawn by this Court vide order dated 7th July, 2014, with liberty to file similar application in this Court after period of six months in case the trial is not concluded by that time. After the lapse of said six months' period, the present application is filed.

3. The reading of the case-papers and the submissions from both sides would show that while one Amer Chaus, the principal accused had assaulted the deceased – Muntajeem alongwith other co-accused, the present applicant had assaulted the deceased with iron pipe. The statement of witness Abdul Haadi would show that the present applicant has assaulted him with a sword over his neck while another accused Shahed has assaulted with some sharp weapon over his head. The injury certificate, issued by the Duty Medical Officer, General Hospital, Jalna, produced for perusal by the learned A.P.P. shows that there was no injury on the neck of said witness Haadi.

. However, Mr. Joydeep Chatterji, learned counsel for the applicant has placed before the Court the photocopy of the discharge summary issued by the Government Medical College, Aurangabad, which, according to him, was placed by the complainant in earlier application i.e. Criminal Application No. 1728/2014, which would show that there were multiple incise wounds over the neck. The said photocopy of the discharge summary is taken on record and marked "X" for the purpose of identification.

4. Mr. Joydeep Chatterji, learned counsel for the applicant, submits that the co-accused Shaikh Shahed against whom similar allegations are there, is already released on bail by this Court.

5. The post-mortem examination note would show that the deceased had received six incised injuries and stab wound and no further injury, which could have been caused by hard and blunt object like iron pipe, is found by the Medical Officer.

. The co-accused, namely, Shaikh Shahed is

released by this Court vide order dated 7th July, 2014 passed in Criminal Application No. 1749/2014.

6. Considering the fact that the trial may take its own time and in the nature of allegations against the present applicant, as detailed supra, in my view, the present applicant can be released on bail on similar conditions as are imposed by this Court on the co-accused Shaikh Shahed while directing him to be released on bail. Hence, the following order:-

7. The applicant – Fares Ali Bin Biles (Chaus) be released on bail in Crime No. 278/2013 registered with Kadim Jalna Police Station, District Jalna, for the offences punishable under section 307, 302, 143, 147, 148, 149, 323 of the I.P. Code and under section 4/25 of the Indian Arms Act and under section 135 of the Bombay Police Act, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

. The applicant shall attend the concerned Police Station on every second and fourth Monday for a period

of four months from the date of his release on bail between 9 am and 10 am. He shall not make attempt in any way to influence the prosecution witnesses in any manner.

9. The application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/criapln52-2015