

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 786 OF 2015

Aamer Ali Bin Biles (Chaus),
Age : 29 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 : 03/03/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Kadim Jalna Police Station, District Jalna, in Crime No. I-278/2013, registered for the offences punishable under section 307, 302, 143, 147, 148, 149, 323 of the I.P. Code and under section 4/35 of the Indian Arms Act and under section 135 of the Bombay Police Act, is praying for his release on bail.

3. The present applicant's earlier application bearing Criminal Application No. 1728/2014 was allowed to be withdrawn by this Court vide order dated 7th July, 2014, with liberty to file similar application after a period of six months in case the trial is not concluded by that time. As the trial is not concluded within that period, the present application.

4. The submissions from both sides as well as the case papers would show that the present applicant alongwith other co-accused had assaulted one Muntajeem and one Hadi. It is alleged that the present applicant had assaulted deceased Muntajeem with pipe. The deceased has eventually died and Hadi had sustained injuries.

5. The case-papers would reveal that in the said incident, the present applicant had received a penetrating wound to his stomach. Exhibit-D to the present application would show that the knife was removed from the omentum. In view of this injury, a counter FIR was filed for the offences punishable under section 307, 149, etc. of the I.P. Code against another

group, out of which one person has died, as detailed supra. The chargesheet in the said case is now recently filed by the police, according to the learned A.P.P. on 19th January, 2015. It would thus show that the time would be taken for hearing in both the sessions cases.

6. Considering the overall material on record and finding that the present applicant is behind the bars since long and in the background of injuries received by the present applicant, in my view, he can be released on bail, on certain conditions. Hence, the following order:-

7. The applicant – Aamer Ali Bin Biles (Chaus) be released on bail in Crime No. I-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 4/35 of the Indian Arms Act and under section 135 of the Bombay Police Act, on his execution P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The applicant shall not enter the territorial

limits of City of Jalna for a period of three years or till the trial is concluded, whichever occurs earlier, without prior permission of the concerned Sessions Court, except on the dates on which he would be required to attend the sessions case.

. Further, the applicant shall not any way attempt to influence any of the prosecution witnesses in any manner.

. The present application is accordingly allowed and stand disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln786-2015