

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1580 Of 2015.

ARBAZ @ MOSIN S/O KADIR SHAIKH.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 15th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No. I 205/2014 registered with Police Station, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar for the offences punishable under Section.s. 302, 143, 147, 148, 149 of the Indian Penal Code and under Section 3 read with Section 25, Section 4 read with Section 25 of the Arms Act and under Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] Heard Mr. Shaikh Mazhar A. Jahagirdar, learned counsel for the Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Investigating Agency has already completed the entire investigation and charge sheet is already filed. Though there are three eye witnesses in the present Crime, the version of these eye witnesses differs in respect of present Applicant. Moreso, the assault on the abdomen of deceased Balasaheb is attributed to Dastgir Gafur Shah. There is only one stab injury as per the post mortem report and other injuries are simple in nature like C.L.W. Further weapon is recovered on memorandum at the instance of accused – Dastgir.

[4] Looking to the nature of accusation made that, present applicant has exhorted. In view of the fact that, charge sheet is already filed, further continuance of custodial presence of present Applicant is not warranted. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - ARBAZ @ MOSIN S/O KADIR SHAIKH shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. I 205/2014 registered with Police Station, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar for the offences punishable under Section.s. 302, 143, 147, 148, 149 of the Indian Penal Code and under Section 3 read with Section 25, Section 4 read with Section 25 of the Arms Act,1959 and under Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(iii) The Applicant shall attend the Police Station, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar once in a week, preferably on every Sunday, between 11.00 a.m. to 12.00 Noon, till Charge is framed by the learned trial court.

(iv) The Applicant shall not enter into the territorial limits of Sanjaynagar, Shrirampur (City), Taluka – Shrirampur, District – Ahmednagar, till conclusion of trial.

(v) The Applicant shall give his residential address to the Investigating Officer.

(vi) Bail before trial court.

(vii) Criminal Application is allowed and is disposed of accordingly.

(V.M. DESHPANDE, J.)