

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

Criminal Application No. 1904 Of 2015.

SHAIKH HUSSAIN S/O SHAIKH DADAMIYA
VERSUS
THE STATE Of MAHARASHTRA

Appearance :-

Mr. Totala Rameshwar F., learned counsel for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 27th APRIL, 2015.

PER COURT :-

Present Criminal Application is filed by the Applicant for his release on regular bail, in connection with CR No. I 109/2015 registered with Mukundwadi Police Station, Aurangabad District – Aurangabad for the offences punishable under Section/s 307, 452, 143, 144, 147, 148, 149 of the Indian Penal Code.

[2] Heard Mr. Rameshwar F.Totala, learned counsel for the Applicant and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Shaikh Gaffar Shaikh Kamu in respect of incident dated 17th February, 2015. In the said First Information Report, present Applicant is shown as Accused No.6.

[4] With the assistance of learned counsel for the Applicant and learned Additional Public Prosecutor, I have gone through the entire First Information Report. No overt act is attributed against the present Applicant in the First Information Report. Further the learned Additional Public Prosecutor, from the investigating papers has submitted that in so far as assault part is concerned, there is no evidence against the present applicant.

[5] In that view of the matter, the applicant who is in jail since 24th March, 2015, his further custodial presence is not warranted; especially when there is no recovery at his instance. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SHAIKH HUSSAIN S/O SHAIKH DADAMIYA shall be released on regular bail on he executing P.R. Bond of Rs.5,000/- (Rs. Five Thousand.) with one solvent surety in the like amount, in connection with CR No. I 109/2015 registered with Mukundwadi Police Station, Aurangabad District – Aurangabad for the offences punishable under Section/s 307, 452, 143, 144, 147, 148, 149 of the Indian Penal Code.

(iii) Bail before trial court.

(iv) Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)