

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2791 OF 2015

Khaled Baig s/o Qamar Baig

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. G.P.Shinde, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp.– State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 17th JUNE, 2015

.....

PER COURT :

1. Applicant is arrested in connection with Crime No. 63/2014 registered with police station Mahur, Dist. Nanded for the offences punishable u/s 302,109,120-B,211,201 read with 34 of the Indian Penal Code.

2. Heard Mr.G.P.Shinde, learned counsel for the applicant and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State.

3. Investigation is already over. Charge sheet is already filed before the Court below.

4. F.I.R. was lodged by Vikar Ahmed s/o Nawab Jani on 11/09/2014.

5. Entire prosecution case is based on circumstantial evidence. Learned A.P.P. has stated that there is no recovery at the instance of the present applicant. Present applicant is the father of deceased Nilofar. It is submitted that Nawab Jani is already released on bail by this Court on 27/04/2015.

6. According to the learned counsel for the applicant the case of the present applicant is identical to the case of Nawab Jani who is already released on bail. While considering the application for bail of Nawab Jani, this Court has observed that the only material against the said applicant was pressed into service by the learned A.P.P. was the CDR reports. Learned A.P.P. has fairly stated that the case of the present applicant is identical to the case of Nawab Jani. Therefore, present applicant is entitled to be released on bail on the principle of parity.

7. In the Criminal Application filed by Nawab Jani, this Court has observed that the statements of the witnesses are recorded at belated stage.

8. Looking to the fact that there is no eye witness account in the prosecution case, entire case of the prosecution

is based on circumstantial evidence, there is no recovery at the behest of the present applicant, charge sheet is already filed and the Sessions trial is not yet commenced, present applicant can be released on bail by imposing certain conditions.

9. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Khaled Baig s/o Qamar Baig be released on bail on he executing P.R. Bond of Rs. 30,000/- [Rupees Thirty Thousand] with two solvent sureties of like amount in connection with Crime No. 63/2014 registered with police station Mahur, Dist. Nanded for the offences punishable u/s 302,109,120-B,211,201 read with 34 of the Indian Penal Code.

(iii) Present applicant shall attend police station Mahur once in a week, preferably on every Sunday in between 3.00 – 4.00 p.m.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]