

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

CRIMINAL APPLICATION NO. 2878 OF 2015.

SADDAM S/O MAQSOOD QURESHI.
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. Rajendra S. Deshmukh, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

Mr. C.V. Dharurkar, Advocate for the First Informant – Shaukat Ali s/o Saheb Ali Shaikh.

CORAM : V.M. Deshpande, J.

DATE : 29th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.18/2015 registered with Police Station, Paranda, District – Osmanabad for the offences punishable under Section/s 302, 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. Rajendra S. Deshmukh, learned counsel for the Applicant, Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State of Maharashtra and Mr. C.V. Dharurkar, learned counsel for the First Informant – Shaukat Ali s/o Saheb Ali Shaikh.

[3] The investigating agency has already completed the entire investigation and challan is presented in the court of law.

[4] First Information Report is lodged by Shaukat Ali in respect of death of his son by name Haidar. First Information Report would reveals that on 9th February, 2015 present Applicant and co-accused had been to his house and they asked Shaukat Ali that Haidar is selling beef at Paranda. It is also stated in the First Information Report that accused stated to Shaukat Ali that, since the first informant is not kasab, therefore, they cannot sell the beef.

[5] According to the prosecution case, on 11th February, 2015 when first informant was present at his house that time, his brother Liyakat Ali Saheb informed that his son Haidar is assaulted at Azhad Square by the present Applicant and Salman.

[6] Eye witness account is available in the prosecution case. Eye witnesses are saying that, co-accused Salman gave knife blow to the deceased; where-as according to the eye witnesses present Applicant has gave stick blow to Haidar. Post mortem report shows that, there is only stab injury and there are no injury attributable to the assault by means of stick.

[7] In view of such accusation that Salman has given blow of knife, resulting into death of Haidar and in view of the fact that, entire investigation is over and charge sheet is also filed, custodial presence of present Applicant is not required and he can be released on bail. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SADDAM S/O MAQSOOD QURESHI shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with two solvent sureties in the like amount, in connection with CR No. 18/2015 registered with Police Station, Paranda, District – Osmanabad for the offences punishable under Section/s 302, 506 read with 34 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) Applicant shall attend Police Station, Paranda, District – Osmanabad once in a week, preferably on every Sunday between 3.00 p.m. to 5.00 p.m., till Charge is framed by the learned trial court.
- (v) After framing of the Charge, present Applicant shall attend Police Station, Paranda, District – Osmanabad once in fortnight on every Sunday between 3.00 p.m. to 5.00 p.m., till trial is over.
- (vi) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)