

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2945 OF 2015
[Sk. Adris Sk.Nasir and ors. Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri Joydeep Chatterjee, advocate for applicants
Shri V.H.Dighe, A.P.P. for respondent/State
Shri A.B.Girase, advocate for the first informant

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CORAM : V.M.DESHPANDE, J.
DATED : 24th June, 2015

PER COURT :-

- 1] Heard Shri Joydeep Chatterjee, learned counsel for the applicants, Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State and Shri A.B.Girase, learned counsel for the first informant.
- 2] The applicants are seeking their release on regular bail, since they are arrested on 25.5.2015 in connection with Crime No. 108 of 2015, registered with police station Satara, Aurangabad, for the offences punishable under Sections 326, 323, 143, 147, 148, 149 of the Indian Penal Code.
- 3] The first information report is lodged by Imran Khan, who has suffered a stab wound on right plank region. The first information report would reveal that the said wound can be attributed to co-accused Shaikh Taufiq, who is not before the court. According to the first information report, though two persons accompanied Shaikh Taufiq, who are ultimately identified as the present applicants, have assaulted on him by wooden log. Injury certificate of Imran Khan does not disclose any injury on his person, which could occur due to

assault by wooden log. According to the first information report, Abu Sham when tried to intervene was also assaulted by one boy who was accompanying Shaikh Taufiq.

4] Statement of Abu Sham is recorded during the course of the investigation. In his statement, he has specifically attributed the role to Akim, who has assaulted on him by sword. Akim is not before the court.

5] In so far as applicants are concerned, Abu Sham has attributed role to Shaikh Mois that he has assaulted on him by means of stick. The injury certificate of Abu Sham shows that the injury received due to stick is a simple injury.

6] It is also pointed out to the court by all the learned counsel that a counter first information report is also registered by Shaikh Taufiq against the present injured persons who were also arrested in the said crime and they are released on bail. Further, though the present applicants were in the police custody remand, nothing is recovered at their instance.

7] In that view of the matter, looking to the nature of accusation made against the present applicants, the applicants who are languishing in jail from 25.5.2015 need not continue to remain in jail. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicants No.1-Sk.Adriś Sk.Nasir, No.2-Sk.Mois Sk.Nasir and No.3-Sk.Adil Sk.Badshah be released on bail, in connection with Crime No. 108- of 2015, registered with police station Satara, Aurangabad, for the offences punishable under Sections 326, 323, 143, 147, 148, 149 of the Indian Penal Code, on they each executing P.R. bond of Rs. 10,000/- with two solvent sureties in like amount by each of them.

- (iii) Bail before the trial court.
- (iv) The applicants shall attend police station Satara, Aurangabad twice a week preferably on every Sunday and Tuesday in between 10.00 a.m. to 12.00 noon till charge sheet is filed.
- (v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2945.15