

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3290 OF 2015**[Nazir Hussain Mohammad Abbas Ansari 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 applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 14th July, 2015

PER COURT :-

- 1] This is an application for bail.
- 2] Applicant is arrested, in connection with Crime No. 93 of 2015, registered with Police Station Azadnagar, Dhule for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code; under Sections 4/25 of the Arms Act and under Section 7 of the Criminal Law Amendment Act.
- 3] I have heard Shri Joydeep Chatterjee, learned counsel for applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.
- 4] It appears that for the incident dated 15.5.2015 two different first information reports are lodged. The first information report first in time is lodged by the present applicant. It is registered as First Information Report No. 92 of 2015 with Azadnagar police station, Dhule, for the

offences punishable under Sections 143, 147, 148, 149, 307, 302 of the Indian Penal Code in respect of death of Aktar Hussain Mohd. Abbas Ansari. In the said first information report, there are six accused persons including Mohd. Asif who is the first informant in First Information Report No.93 of 2015, in which the present applicant is claiming bail. In the first information report lodged by the present applicant, the deceased in First Information Report No. 93 of 2015 Yasir is also an accused.

5] In First Information Report No. 93 of 2015, wherein Yasir has died, no specific role is attributed against the present applicant that he has caused any overt act resulting into the death of Yasir. The overt act attributed against the present applicant is that by means of wooden log he has assaulted the first informant Mohd. Asif and his father Aslam Samiullah. The recoveries are already made. The applicant is in jail since 16.5.2015.

6] Looking to the fact that the present applicant is also first information in First Information Report No. 92 of 2015, wherein he has lost his brother and in the present crime the only role is attributed that he has assaulted by means of wooden stick. The weapons are already seized. In that view of the matter, the applicant can be released on bail. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant-Nasir Hussain Mohammad Abbas Ansari be released on bail, in connection with Crime No. 93 of 2015, registered with Police Station Azadnagar, Dhule for the offences punishable under Sections 302, 307, 143, 147, 148,

149, 504, 506 of the Indian Penal Code; under Sections 4/25 of the Arsm Act and under Section 7 of the Criminal Law Amendment Act, on he executing P.R.bond of Rs.25,000/- with two solvent sureties in the like amount.

(iii) Bail before the trial court.

(iv) Applicant-Nasir Hussain Mohammad Abbas Ansari shall attend police station Azadnagar, Dhule twice a week, preferably on every Sunday and Tuesday in between 2.00 p.m. to 5.00 p.m. till filing of the charge sheet.

(v) After filing of the charge sheet, Applicant-Nasir Hussain Mohammad Abbas Ansari shall attend the police station once in a fortnight on every Sunday till completion of the trial.

(vi) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3290.15