

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

CRIMINAL APPLICATION NO. 5082 OF 2015

Mohammed Aslam Shafiullah Ansari,
Age: 75 years, Occ: Nil,
R/o. Kasab Wada, Near Masjid,
Dhule.

...Applicant

versus

The State of Maharashtra

...Respondent

...
Mr. M.B.W. Khan, Advocate for the applicant
Mr. S.N. Morampalle, Addl. Public Prosecutor for respondent
...

CORAM : N.W. SAMBRE, J.

DATE : 19th OCTOBER, 2015

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 92/2015 registered at Azad Nagar Police Station, District Dhule for the offence punishable under Sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Arms Act.

2. Perused the First Information Report, wherein the applicant is specifically named to be involved in the commission of crime in question. The case of prosecution against the present applicant appears to be that he alongwith his other sons attacked to other party, who are residents of the same area, resulting into lodging

of counter F.I.R. No.93/2015. In the F.I.R. against present applicant, death of one Akhtar has resulted on 15/05/2015 and charge sheet against the applicant is filed.

3. While trying to make out a case for grant of regular bail, learned Counsel for the applicant would urge that the applicant is aged about 70 years and has various ailments. Apart from above, according to him, there is no material available on record, *prima facie* showing involvement of the applicant in the commission of crime in question, as such, he has prayed for grant of bail.

4. While opposing the bail application, learned A.P.P. would submit that, in the statement of witnesses, the applicant is named as person involved in the commission of crime with common object though there is no specific attribution of any overtact against the applicant.

5. Having scanned copy of the charge sheet carefully, it is noticed that there is no direct material against the present applicant as regards any specific overtact in the matter of death of Akhtar. Apart from above, there are sweeping allegations against the present applicant in the entire statement which are recorded during the investigation. The applicant is around age of 70 years and not

keeping good health.

6. In view of above, it will be appropriate, in my opinion, to order the release of the applicant on bail. Hence, I propose to pass the following order :-

The applicant be released on bail, upon executing the P.R. bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount, in connection with Crime No. 92/2015 registered at Azad Nagar Police Station, District Dhule for the offence punishable under Sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Arms Act.

7. The application stands allowed.

8. Joint request is made by respective parties that trial be expedited. The hearing of both trial is expedited, in view of joint request.

[N.W. SAMBRE, J.]