

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.293 OF 2015.

(SHAIKH SABIR S/O. SHAIKH SADIQUE...VS..STATE OF MAH. THR. PSO BULDHANA.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 06, 2015.

Heard Mr. Shaikh Sabahat Ullah, the learned advocate for the applicant, Mr.K.L.Dharmadhikari, the learned A.P.P. for the non-applicant/ State and Shri Abhay Sambre, the learned advocate assisting the prosecution.

The applicant has filed this application under Section 439 of the Code of Criminal Procedure seeking directions to the non-applicant to release him on bail in Crime No. 207 of 2014 for the offences punishable under Sections 302, 307, 325, 326, 504, 506 r/w 34 of the Indian Penal Code.

The details of the incident are narrated in paragraph Nos. 3 and 4 of the application, as follows :

“3. It is further alleged by the complainant on 31.10.14 in the afternoon at about 12.30 pm the applicant came near the house of applicant and was hurling abuses and stated that the sons of complainant has thrown mud and stone towards the house of applicant. It is alleged that the mother of complainant came out and try to intervene in the matter hence the accused persons started abusing the complainant and his mother outside the house of complainant.

4. It is alleged in the report that the present applicant assault the complainant on his nose by a weapon like knife causing bleeding injury to him the brother of complainant namely Shaikh Faeemi.e deceased try to intervene in the matter to rescue his brother then the other accused namely Shaikh Mujahid gave a blow of wooden Rafter to Shaikh Faeem and caused serious injury to him the injured Shaikh Faeem shifted and admitted in the Government Hospital where the injured died after two days.”

Considering the fact that the investigation is complete and chargesheet has been filed and the fact that prior to this incident there has not been any complaint against the applicant earlier, the following order is made:

- i) The non-applicant-Police Station Officer, Buldhana is directed to release the applicant on bail for the offences punishable under Sections 302, 307, 325, 326, 504, 506 r/w 34 of the Indian Penal Code in Crime No. 207 of 2014, registered by Police Station, Buldhana.
- ii) The applicant shall be released on furnishing two solvent sureties in the amount of Rs.Twenty Thousand each.
- iii) The applicant shall not enter Buldana city except for attending the Sessions Trial.
- iv) The applicant shall attend Sessions Court, Buldana on every date on which the sessions trial will be fixed.

- v) Except as above, the applicant shall not enter the Buldana city. The applicant undertakes to reside at Motala town in Buldana district.
- vi) The applicant shall report to the Police Station under which Motala city falls, once in every 15 days.
- vii) The applicant shall not tamper with the prosecution witnesses.

The application is allowed in the above terms.

JUDGE

RRaut..