

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

CRIMINAL APPLICATION (ABA) NO. 365 OF 2015

(Mohd. Ayaz Abdul Wahab Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri A. B. Mirza, Advocate for the applicant.
Shri A. D. Sonak, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.
: 11 SEPT., 2015

Heard learned Counsel for the applicant and learned
A.P.P. for the State.

2. The applicant, who is apprehending his arrest in connection with Crime registered with police Station, Pinjar, District Akola of the offences punishable under Sections 143, 147, 148, 149, 307 of the Indian Penal Code read with Sections 3/25 and 4/25 of the Arms Act and Section 135 of the Bombay Police Act, is before this Court with a prayer for pre-arrest bail.

3. The first information report is lodged by Sheikh Najim on 18/6/2015. According to the prosecution, the complainant and his brother Sheikh Alim, near Sangam Hotel, were discussing in respect of the dispute that took place in the morning in between Mobin. At that time, relatives of Sheikh Mobin were also present. At the same time, the assault was made.

4. According to the prosecution case the present applicant was armed with iron pipe and he inflicted blow on the complainant as well as his brother. From the reply filed on behalf of the investigating officer, it reveals that a weapon like country made pistol is already recovered from Sheikh Riyaz and iron pipe is recovered from Zahir.

5. This Court on 29/7/2015 granted ad-interim protection in favour of the applicant. While granting such protection, this Court directed that the applicant shall attend Police Station, Pinjar as and when required, shall cooperate with the police during investigation and shall not in any manner tamper with the prosecution evidence.

6. The learned Additional Public Prosecution, on instructions from the investigating officer, made statement that in compliance of the directions given by this Court, the applicant is attending regularly the police station as and when directed by the investigating officer and also cooperated with the police. Further, there is no complaint against the present applicant that he has indulged in any activity, which may tamper the prosecution evidence.

7. Looking to the nature of accusation and the statement made by learned A.P.P. for the State, in my view, this is a fit case for grant of anticipatory bail in favour of the applicant. Hence, the order.

The application is allowed.

Applicant Mohd. Ayaz Abdul Wahab be released on bail in the event of his arrest in Crime No. 77/15 registered at police station Pinjar, Tq. Barshitakli, Distt. Akola of the offences punishable under Sections 143, 147, 148, 149, 307 of the Indian Penal Code read with Sections 3/25 and 4/25 of the Arms Act and Section 135 of the Bombay Police Act on his executing a P. R. Bond in the sum of Rs.20,000/- with one solvent surety in the like amount. The applicant shall attend police station, Punjar once in a week, i.e. on every Wednesday in between 3.00 p.m. and 5.00 p.m. till charge-sheet is filed.