

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

CRIMINAL APPLICATION (BA) NO.608/2015

**(Altasmas Alim Sheikh and anr...vs..State of Maharashtra, through PSO P.S.
Ganeshpeth, Nagpur)**

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

Court's or Judge's orders.

Mr. S. A. Choudhari, Advocate for applicants.
Mr. A. K. Bangadkar, A.P.P. for non applicant-State

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 10, 2015.

Heard learned counsel for the applicants
and learned A.P.P. for non applicant-State.

This is an application for regular bail. The applicants, who were arrested in Crime No.115/2015 for an offence punishable under Sections 144, 147, 148, 149, 324, 504 of the Indian Penal Code and Sections 4 and 25 of the Indian Arms Act are claiming their release on bail.

The FIR is lodged by one Abdul Rashid Sheikh Ibrahim. 18 persons are named in the FIR including the present applicants. Perusal of the FIR shows that a specific role of assault is attributed against one Taj Mohammad and Shaikh Yusuf. Insofar as the present applicants are concerned, though their names are mentioned in the FIR, no role is ascribed against them nor there is any other material to show that they have actually participated in the assault. The main accused Taj Mohammad is yet to be arrested. However,

there is nothing to show that the present applicants are responsible for his abscontion.

Looking to the nature of evidence as collected against the applicants, I see no reason for their continuation of presence in jail. That leads me to pass the following order.

ORDER

(i) Criminal Application No.608/2015 is allowed.

(ii) The applicant no.1-Altasmas s/o Alim Sheikh and applicant no.2-Arshad s/o Yusuf Sheikh, be released on bail in connection with Crime No.115/2015 registered with Police Station Ganeshpeth, Nagpur for an offence punishable under Sections 144, 147, 148, 149, 324, 504 of IPC and 4 and 25 of the Indian Arms Act, on they executing P.R. Bond in the sum of Rs.20,000/- each with one surety each in the like amount.

(iii) The applicants shall attend Police Station Ganeshpeth, Nagpur twice in a week, preferably on every Sunday and Tuesday between 3.00 p.m. to 5.00 p.m. till the charge-sheet is filed and thereafter once in fortnight, preferably on Thursday in between 3.00 p.m. to 5.00 p.m. till the charge is framed by the trial Court.

JUDGE