

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

CRIMINAL APPLICATION (BA) NO.611 OF 2015
Mohmad Ayfaj Ahemad Ansari s/o Mohmad Sagir Ansari
..VS..

State of Mah., thr PSO Yashodhara Nagar Police Station Nagpur

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

Court's or Judge's order

Shri K.B. Zinzarde, Counsel for the Applicant.
Shri R.S. Nayak, APP for the State.

CORAM : V.M. DESHPANDE, J.
DATE : SEPTEMBER 21, 2015.

Heard.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.233 of 2014 registered with Police Station Yashodhara Nagar, Nagpur for the offences punishable under Sections 143, 147, 148, 149, 324 and 302 read with Section 34 of the Indian Penal Code and Section 135 of the Bombay Police Act.

The main plank of the submissions of learned counsel for the applicant is that the applicant stands on same footings vis-a-vis co-accused Wasim and co-

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accused Samir who are already released on bail by this Court. Deceased is one Jameel Khan. He is the brother of the first informant. The name of first informant is Naim Khan. It appears from the FIR and from the prosecution case that there was a dispute in respect of a plot. The FIR is dated 1.9.2014. In the FIR, the names of the present applicant, co-accused No.6 Wasim and co-accused No.8 Samir were not mentioned. The names of the present applicant and co-accused Nos.6 and 8 appeared in the prosecution case when the supplementary statement of first informant Naim Khan was recorded on 7.9.2014. From the said statement it is clear that the first informant claims that on the date of the recording of the supplementary statement he was re-collecting everything. In the said supplementary statement it is stated by the first informant that the deceased was assaulted by means of the weapons like rod by the present applicant and by co-accused Wasim and Samir. The nature of the statement and nature of the role attributed against the present applicant is at par and identical that of the role attributed by the first informant to Wasim and Samir. Even the said aspect is not disputed by the State. Since the role

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attributed to the present applicant in the supplementary statement of the first informant is identical to that of Wasim and Samir, who are released on bail by this court, in my view learned counsel for the applicant is right in making the submission for grant of bail on the principle of parity. That leads me to pass the following order -

ORDER

1] The criminal application is allowed.

2] Applicant – Mohmad Ayfaj Ahemad Ansari S/o Mohmad Sagir Ansari be released on bail in connection with Crime No.233 of 2014 registered with Police Station Yashodhara Nagar, Nagpur for the offences punishable under Sections 143, 147, 148, 149, 324 and 302 read with Section 34 of the Indian Penal Code and Section 135 of the Bombay Police Act, on he executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

3] The applicant shall attend Police Station

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Yashodhara Nagar, Nagpur every Sunday in
between 3.00 pm to 5.00 pm till culmination
of the trial.

The criminal application is disposed of as such.

JUDGE

!! BRW !!

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