

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

CRIMINAL APPLICATION (BA) NO.676 OF 2015

Mujaffar Ali @ Mujju Ramzan Ali

..vs..

The State of Maharashtra, thr PSO Nandanwan, Nagpur

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

Court's or Judge's Order

Shri Mir Nagman Ali, counsel for the Applicant.
Shri A.K. Bangadkar, APP for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 30, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant, who is one of the accused, is seeking his release on bail since the applicant is arrested in connection with Crime No.240 of 2014 registered with Police Station Nandanwan, Nagpur for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code.

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

Learned Addl. Public Prosecutor submits that the investigation, as regards the present applicant, is

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already over.

With the assistance of learned Addl. Public Prosecutor for the State, I have gone through the FIR lodged at the instance of Shri Shaikh Akil s/o Shaikh Khalil. The name of the present applicant and the names of other co-accused are stated in the FIR. The nature of accusations, made against the present applicant, are general in nature.

During the course of investigation, the statements of the witnesses are recorded. The statement of Shaikh Shahrukh Shaikh Akram shows that co-accused Munawar Ali was having knife in his hands whereas other co-accused Sk. Bashir having sickle. These two accused are released on bail by this Court. Similar is the statement of Sk. Jamir. The statement of Khairun Nisa shows that the present applicant was holding sickle. However, the statement of other witness viz. Nishrun Nisa, who according to the prosecution is another eye witness, shows that the sickle was in the hands of Bashir and not the present applicant.

The investigation is over. Munawar, who was ascribed more serious role in making attack on deceased, is already released on bail.

Looking to nature of accusations made against the present applicant, since this Court is of the view that the the applicant has carved out a case in his favour for grant of bail and since I see no reason that the applicant should continue his presence in the jail custody, this Court proceeds to pass the following order:-

ORDER

1] The criminal application is allowed.

2] Applicant – Mujaffar Ali @ Mujju Ramzan Ali be released on bail in connection with Crime No.240 of 2014 registered with Police Station Nandanwan, Nagpur for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code on his executing Personal Bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties in the like amount.

3] The applicant shall attend the concerned police station twice a week and preferably on every Monday and Saturday between 3.00 pm

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to 5.00 pm till the charge is framed.

4] After framing of the charge, the applicant shall abide by its further conditions imposed upon him.

5] The applicant is prohibited from extending any threat whatsoever in the nature to the witnesses.

6] Bail before the Trial Court.

The criminal application is disposed in aforesaid terms.

JUDGE

!! BRW !!

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