

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.838 /2015

(Sheikh Haji Sheikh Sarvar Vs. State of Maharashtra)

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

Court's or Judge's order

.....
Mr. A.A.Naik, Adv.for applicant
Mr.T.A. Mirza, APP for applicant

CORAM: A.B.CHAUDHARI, J.

DATED : 3rd December, 2015.

Heard learned counsel for the rival parties.
Perused the First Information Report as well as the
charge-sheet.

Learned A.P.P. submits that Haji Sarvar Pathan whose name is mentioned in the F.I.R. is the same person as that of applicant, but then fairly submits that no Test Identification Parade was held for his identification as the same person whose name appears in the FIR. That apart, I have seen the statements under Section 161 of the Cr.P.C. I find that the name of the applicant is not at all given in those statements, not even to the extent of Sheikh Haji. That being so, I think the applicant is entitled to be released on bail, pending trial. Hence, the following order:

ORDER

- i) Criminal Application (BA) No. 838/2015 is allowed.

ii) The applicant-Sheikh Haji Sheikh Sarvar is ordered to be released on bail in connection with Crime No. 381/2014, upon his executing a personal bond in the sum of Rs. 20,000/- (rupees twenty thousand) with one surety in the like amount.

iii) The applicant shall cooperate with the Investigation Officer as and when called for and shall not tamper with the prosecution evidence.

JUDGE

sahare