

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1369 OF 2016

SHAIKH HASAN SK HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shaikh Rameez Raja Shaikh Maqsood.
APP for Respondent : Mr. S. N. Morampalle.

...

CORAM : **INDIRA K. JAIN, J.**
DATE : 27th April, 2016.

ORDER:

. This is a successive application for regular bail in Crime No.I-81 of 2012 registered at Kranti Chowk Police Station, District Aurangabad for the offences punishable under Sections 302, 201, 120(B), 143, 147, 148, 149 and 328 of the Indian Penal Code and Section 135 of the Bombay Police Act.

2 Heard the learned counsel for parties. Perused case papers.

3 It is not in dispute that first application for bail preferred by Applicant was dismissed being withdrawn vide order dated 24th April, 2015 passed in Criminal Application No.1915 of 2015.

4 After withdrawal of application for bail it appears that co-Accused Zubair Khan S/o Shabbir Khan filed an application for bail and the same was allowed by this Court vide order dated 20th April, 2015 passed in Criminal Application No.1367 of 2016. Charge-sheet is filed in the year 2012. Learned counsel for Applicant makes a statement that charge is not yet framed. Needless to state that speedy trial is the right of Accused. Learned APP submitted that provisions of MCOC Act have not been applied in the case on hand.

5 In view of these circumstances and since co-Accused is released on bail this Court without going into merits of the case finds it fit to enlarge the Applicant on bail on the rule of parity. Hence the following order –

ORDER

- I. Criminal Application No.1369 of 2016 is allowed.
- II. Applicant is released on bail in Crime No.I-81 of 2012 registered at Kranti Chowk Police Station, District Aurangabad for the offences punishable under Sections 302, 201, 120(B), 143, 147, 148, 149 and 328 of the Indian Penal Code and

Section 135 of the Bombay Police Act on P.R.
and S.B. of Rs.1,00,000/- (Rupees One Lakh
Only) each.

III. Applicant shall not tamper with the prosecution
witnesses and shall make himself available as
and when required for investigation.

IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

ndm