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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 927 OF 2015

Mohd. Rizwan Md Istiyak Khan Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Prashant G. Pandey for the applicant.

Ms S.S.Kaushik, APP for the State.

Ramkrashna Jadhav, P.S.I. Shivajinagar Police Station, Mumbai present.

CORAM : A.S.GADKARI, J.

DATE : 05th January, 2016

P.C.

1) The applicant is seeking bail in CR No. 331/2013 registered with Shivaji Nagar Police Station under sections 302, 326, 324, 504, 506(2), 143, 147, 148 and 149 of IPC. On the basis of the complaint lodged by Mustafa Mohd. Kavar Shaikh, the aforesaid FIR is registered. After completion of investigation the charge-sheet has been filed.

2) Heard the learned Counsel for the applicant and the learned APP for the State. The learned Counsel for the applicant submitted that the applicant was arrested on 22.10.2013 and since then he is in jail. He submitted that the other four accused persons who have been attributed with more serious role have been released on bail either by this Court or by the trial Court. He produced an order dated 19.10.2015 passed by this Court (Smt. S.S. Jadhav,J) in Bail Application No. 497 of 2015 in the case of co-accused, namely Mohammad Sharif Mulla Karimbaksh Kadari. The said accused has been attributed with a role that he assaulted deceased

Tabrej Khan with bamboo stick. The said Tabrej Khan succumbed to the injuries. While releasing the said accused Mohammad Sharif Mulla by an order dated 19.10.2015 this Court has observed that the co-accused shall not claim parity with the said applicant.

3) I have perused the FIR and the documents annexed to the charge-sheet. Prima facie, it appears that the role attributed to the present applicant in the entire crime stands on same or similar footing with that of Mohammad Sharif Mulla and, therefore, even if a principle of parity is not made applicable as has been observed by this Court in the order dated 19.10.2015, in my opinion the applicant deserves to be released on bail. Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 331 of 2013 registered with Shivaji Nagar Police Station, Mumbai on his furnishing a P.R. bond of Rs.15,000/- with one or two solvent sureties in the like amount;

(b) After release from jail, the applicant shall attend the Shivaji Nagar Police Station, Mumbai on first Monday of every month between 10:00 a.m. to 12:00 noon;

(c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)