

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1351 OF 2016
Mr. Mohd. Rafiq vs. 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.Dinesh Tiwari i/by Dinesh Tiwari & Associates for the Applicants.

Mrs. S.S.Kaushik,APP. For the State.

CORAM : A.S.GADKARI, J.

DATE : 26th August, 2016

P.C.

This is an application under Section 439 of the Cr.P.C. for releasing the applicants on bail in CR NO.II-38 of 2016 registered with Shanti Nagar Police Station, Bhiwandi, Thane under Section 307, 326, 324, 143, 144, 147, 149 read with 120 of the Indian Penal Code.

2) The first information report is lodged by Mohammed Choudhary. The record discloses that co accused namely Khalilullah Abdullah Kazi @ Sonu, Pappu Kazi and another co-accused who have been attributed the role of holding sharp edged weapons and assaulted to

injured witnesses have been released on bail by the learned Trial Court by its order dated 31.1.3016. There is no mention of the name of the applicant in the FIR. It is stated in the first information report that the afore-stated co-accused persons along with 2-3 associates assaulted the first informant and other injured eye witnesses. No specific role has been attributed to the applicant. There is no identification parade held as far as applicants are concerned. The applicants have been involved in the present crime on the basis of the statement of the co-accused. As the principal accused namely Khalilullah @ Sonu and Pappu have been released by the Trial Court, the principle of parity is applicable to the case of the applicants also as they have been assigned much lessor role in the present crime. In view of the above, the applicants have made out a case for releasing them on bail.

3) Hence, the following order.

a) The applicants be released on bail in CR No.II-38/2016 registered with Shanti Nagar, Police Station, Bhiwandi, Dist. Thane on their furnishing PR bond of

Rs.25,000/- each with one or two solvent sureties in the like amount.

b) After their release from Jail the applicants shall attend the Shanti Nagar Police Station, Bhiwandi Dist. Thane once in a month on every 1st Monday between 11.00a m. to 3.00 p.m. till the conclusion of the trial.

c) The applicant shall attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439(2) of the Cr.P.C.

e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

f) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)