

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

CRIMINAL APPLICATION (ABA) NO.72 OF 2016

(Shaheraz Khan s/o Sarfaraz Khan ..vs.. The State of Maharashtra, through PSO, Pusad, District
Yavatmal)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 17-02-2016

Heard Shri J.A. Malnas, learned Advocate for the applicant and Ms. Ritu Kalia, learned Additional Public Prosecutor for the non-applicant.

2. The applicant is seeking pre-arrest bail apprehending arrest in crime registered against him for the offences punishable under Sections 436 and 506 of the Indian Penal Code. According to the prosecution, the applicant had set on fire the entrance door of house of the complainant at about 2.30 a.m. It is on record that the complainant had earlier also lodged a report against the applicant of which cognizance is not taken by the non-applicant. The action is being taken against the applicant on the report of the complainant and there is no eye witness of the incident. The non-applicant has stated in paragraph No.4 of the reply that Crime No.4/2015 has been registered against the applicant for the offences punishable under Sections 452, 323, 504 and 506(B) of the Indian Penal Code. The learned

Advocate for the applicant has submitted that the applicant has lodged report against the person on whose complaint Crime No.4/2015 has been registered and it is a counter-complaint.

3. Considering the facts on the record, I am of the view that the applicant is entitled for pre-arrest bail, however, on the conditions as set out in the following order :

- i) In the event of arrest in Crime No.18/2016 registered by the non-applicant, the applicant shall be released on bail, on furnishing P.R. Bond of Rs.10,000/- and one solvent surety in the like amount.
- ii) The applicant shall not enter Pusad town till 15-04-2016 without prior written permission of the Investigating Officer.
- iii) The application is allowed in the above terms.

JUDGE

pma