

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 138 OF 2016

(MOHD. SHARIQ ABDUL REHMAN & 2 OTH...VS..STATE OF MAH., THR. PSO, PS ACHALPUR, DIST.
 AMRAVATI)

 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 : FEBRUARY 29, 2016.

Heard Shri R.M.Daga, advocate for the applicants
 and Shri T.A.Mirza, A.P.P. for the non-applicant.

The applicants are arrested in the crime registered
 against them for the offences punishable under Sections 143,
 147, 302 r/w 149 of the Indian Penal Code.

The allegations against the applicants are that 15
 accused persons have assaulted Mohan and deceased Amit.
 According to the prosecution, co-accused Wajid gave axe
 blows on the head of the deceased and some of the
 co-accused inflicted injury on Mohan by iron pipe. The case
 of the prosecution is that the applicants gave blows by kicks
 and fists. The names of the applicants are not shown in the
 first information report.

Though the non-applicant has stated that the
 applicant Nos.1 and 2 are history-sheeters as Crime No.
 67/2009 is registered against them for the offences
 punishable under Sections 323, 143, 452, 427, 504 and 506
 of the Indian Penal Code and Crime No. 77 of 2015 for the
 offences punishable under Sections 323, 143, 146, 147, 148,

504 and 506 of the Indian Penal Code, Shri R.M. Daga for the applicants has pointed out that the applicant Nos. 1 and 2 were prosecuted in Regular Criminal Case No. 5 of 2010 for the Crime No. 67 of 2009 and are acquitted. As far as Crime No. 77 of 2015 is concerned, it is stated that this crime is registered for the same incident for which crime No.81 of 2015 has been registered.

The charge-sheet is filed. The applicants are in jail since 11th August, 2015. The applicant No.3 has stated that he is not involved in any other crime earlier. This is not controverted by the non-applicant. The non-applicant has not been able to show that the custody of the applicants is necessary for further investigation.

In view of the above, I am convinced that the applicants are entitled for being released on bail.

Hence, the following order :

The applicants having been arrested in Crime No. 81 of 2015, registered by the non-applicant, they be released on bail on furnishing P.R. Bond for Rs.Twenty Thousand each with two solvent sureties in the like amount for each of the applicant.

After the charge-sheet is filed, the applicants shall attend every date of sessions trial unless exempted by the Sessions Court. In case, any of the applicant fails to attend any date of the sessions trial without seeking exemption from the Sessions Court, this order concerning that applicant shall stand recalled.

The application is allowed in the above terms.

JUDGE

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