

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

CRIMINAL APPLICATION (ABA) NO.120 OF 2016

(Hanif @ Hasan s/o Majeed Shaikh and another ..vs.. State of Maharashtra, through PSO, Shegaon,
Tahsil-Warora, District-Chandrapur)

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 : 01-03-2016

Heard Shri E.N. Quazi, Advocate for the
applicants and Ms. N.P. Mehta, Additional Public
Prosecutor for the non-applicant.

2. The applicants are seeking pre-arrest bail apprehending arrest in crime registered against them for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. According to the applicant No.1, he is running a Chicken Center and according to applicant No.2, he is a labourer. The case of the applicants is that deceased Nitin came to the shop of the applicant No.1 on 04-02-2016, he was heavily drunk and he ordered the applicant No.1 to bring glasses and water pouch for deceased and Shankar Date who accompanied the deceased. According to the applicants, when the applicant No.1 demanded money for the articles purchased by Nitin, he started creating a ruckus and throwing articles in the shop and then lifted the weighing balance because of which he lost control and

fell down on the ground and suffered injuries. According to the applicants, then deceased went to his home on motorcycle and on next day i.e. 05-02-2016 the applicants got knowledge that Nitin was hospitalised for having consumed excessive liquor and then he was declared dead.

3. According to the prosecution, deceased Nitin died because of the injuries suffered by him because of assault by the applicants.

4. The post-mortem report of deceased shows that death is caused due to some unknown poison.

5. The applicants have stated that they are not involved in any crime earlier. The non-applicant has not disputed the claim that the applicant No.1 is running a chicken center and that the applicant No.2 is a labourer. The non-applicant has not controverted the claim of the applicants that they are not involved in any crime earlier.

6. Considering the nature of allegations and the facts on the record, in my view, the applicants are entitled for pre-arrest bail.

Hence, the following order :

- i) In the event of arrest in Crime No.23/2016, the applicants be released on bail, on furnishing P.R.

Bond in the sum of Rs.10,000/- each and one solvent surety in the like amount for each of the applicants.

- ii) After filing of the charge-sheet, the applicants shall regularly attend the sessions trial unless exemption is granted by the Sessions Court. In case, the applicants fail to attend any date of sessions trial without seeking exemption from the Sessions Court, this order shall stand recalled.
- iii) The application is allowed in the above terms.

JUDGE

pma