

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

CRIMINAL APPLICATION (BA) NO. 158 OF 2016

(MOHD. IRFAN NOOR MOHAMMAD & ANR...VS..STATE OF MAH. THR. PSO PS KARANJA (LAD),
DIST. WASHIM.)

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 : APRIL 01, 2016.

Heard Shri R.J.Mirza, advocate holding for Shri A.J.Mirza, advocate for the applicants and Shri N.B. Jawade, A.P.P. for the non-applicant.

The applicants are arrested on 31st May, 2015 in the crime registered against them, their father and their younger brother.

According to the prosecution, the applicants and the co-accused used to threaten the deceased (wife of the younger brother of the applicants) and to harass the deceased for not fulfilling the demands of dowry. According to the prosecution, about 15 days prior to the incident, the deceased had been to her matrimonial home and had informed the complainant (father of the deceased) that her husband and applicant No.1 were demanding Rs.Fifty Thousand to purchase an Auto-rickshaw.

The learned advocate for the applicant has submitted that initially offence under Sections 302, 498-A, 201 r/w 34 of the Indian Penal Code was registered, however,

subsequently the offence punishable under Sections 304-B and 120-B of the Indian Penal Code are added. The learned advocate for the applicants has referred to the sketch, which is part of the charge-sheet (at page No.35 of the paper book), and has submitted that the applicants, though are residing in the same premises are living in separate rooms with their wives and children.

With the assistance of the learned advocate for the applicant and the learned A.P.P., I have seen the statements of relevant witnesses. The learned A.P.P. has not been able to point out any accusation against the applicant No.2 in the charge-sheet.

Considering the facts on record, the fact that the charge-sheet is filed on 27th August, 2015 and as the non-applicant has not been able to show that the custody of the applicant is required for further investigation, in my view, the applicants are entitled to be released on bail.

Hence, the following order :

The applicants having been arrested in Crime/ F.I.R. No. 73 of 2015, registered by the non-applicant, they be released on bail on furnishing P.R. Bond for Rs.Twenty Thousand each and one solvent surety in the like amount for each of the applicant.

The application is allowed in the above terms.

JUDGE