

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

Criminal Application [BA] No.247 of 2016

(Imran Khan Aliyar Khan

vs.

State of Maharashtra, through its P.S.O. Akot File P.S., District Akola)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : S.B. SHUKRE, J.

DATE : 5th JULY, 2016.

Heard Shri Anil Mardikar, learned Senior Counsel
 appearing for the applicant and Shri R.S. Nayak, learned A.P.P.
 for the State.

This application has been very strongly opposed by
 the learned A.P.P. contending that there is *prima facie* material
 available against the applicant showing his involvement in the
 crime registered against him and others. According to the
 learned Senior Counsel, said material was also available against
 one of the co-accused Allu alias Aleem Khan, but he has already
 been granted bail by this Court.

The learned A.P.P., however, disagrees with the
 submission that there is distinction between the position of the
 present applicant and said Aleem Khan.

On perusal of the copy of charge-sheet, which is filed
 on record of the case, I find that the case of the present applicant
 cannot be distinct seen as from the case of the co-accused Allu

alias Aleem Khan, who has already been released on bail by this Court. In the statement of one Shajid Khan recorded on 18/05/2014, the name of Allu alias Aleem has been very specifically taken and it is consistent with the allegations made against him in F.I.R. dated 17/05/2014. Therefore, at this stage, there is no material, which enables me to distinguish the case of the present applicant from that of Allu alias Aleem Khan. Therefore, I find that this applicant is also entitled to be given benefit of liberty on parity.

In the result, the following order is passed.

1. The application is allowed.
2. It is directed that the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- together with one solvent surety in the like sum on the conditions that the applicant shall attend the Court dates regularly, shall co-operate with the trial Court in expeditious disposal of the case and shall not tamper with the prosecution witnesses.
3. Hamdast granted.
4. The application is disposed of as such.

JUDGE