

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

CRIMINAL APPLICATION (BA) 556 OF 2016

(Abdul Sajid s/o Abdul Rafiq & another Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri R. M. Daga, Advocate for the applicant.
Smt. M. S. Naik, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : 01 AUGUST, 2016

Prosecution reply is taken on record.

Heard.

From the charge-sheet filed in this case on 09/12/2015, it appears that an application was made on 08/12/2015 before the concerned Sessions Court regarding addition of Section 302 of the Indian Penal Code against these two applicants and three others. The date of the order directing addition of Section 302 I.P.C. cannot be ascertained from the charge-sheet as well as the reply of the prosecution. But, the fact is that it was done on the basis of the application dated 08/12/2015. Thereafter, on 16/3/2016, while deciding criminal application (BA) No. 189/2016 (*Abdul Wahid Abdul Rafiq Vs. The State of Maharashtra*), this Court considered the fact that initially the charge-sheet for the offences

punishable under Sections 306 and 498-A read with Section 34 of I.P.C. was filed against the accused persons in this case and, therefore, Abdul Wahid was granted bail. This Court also noted that there were no criminal antecedents to Abdul Wahid.

Insofar as the present applicants are concerned, it can be seen that they are also equally situated as said Abdul Wahid. No criminal antecedents are alleged against them and that their role in this case cannot be distinguished from that of Abdul Wahid. Therefore, even these applicants would be entitled to be released on bail. Hence, the order.

The application is allowed and it is directed that the applicants be released on bail on each of them furnishing a P. R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like amount subject to the conditions that they shall attend regularly the Court on the dates fixed in the matter, shall cooperate with the Court in expeditious disposal of the case and shall not tamper with the prosecution witnesses.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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