

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

Criminal Application [BA] No.575 of 2016

(Shaikh Haji Sheikh Sarvar

vs.

State of Maharashtra, through P.S.O. Gadchandur, District Chandrapur)

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

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Court's or Judge's Orders

Shri Mir Nagman Ali, Advocate for the Applicant.
Shri A.V. Palshikar, A.P.P. for the Non-Applcant/State.

CORAM : S.B. SHUKRE, J.

DATE : 9th AUGUST, 2016.

Heard.

The reply filed by the prosecution is taken on record. This application is strongly opposed by the learned A.P.P. for the State on the ground that the applicant has criminal antecedents.

However, the evidence so far collected by the prosecution does not show any *prima facie* involvement of the applicant in the crime registered against him. It also *prima facie* shows that the applicant has been implicated in the crime only on the basis of recovery made under Section 27 of the Indian Evidence Act at the instance of the co-accused. The applicant is in jail since May, 2015. In such circumstances, the criminal antecedents of the applicant

would not debar him from seeking bail from this Court.
Hence, the order.

1. The application is allowed.
2. It is directed that the applicant be released on bail on his furnishing a P.R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like sum on the conditions that he shall attend the dates fixed by the trial Court regularly, shall cooperate with the trial Court in expeditious disposal of the case and shall not tamper with the prosecution witnesses.
3. The application is disposed of accordingly.
4. Hamdast is granted.

JUDGE

*sdw

C E R T I F I C A T E

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

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 10/08/2016