

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

CRIMINAL APPLICATION (BA) NO.631/2015

Aleem Khan s/o Nasim Khan

..Versus..

State of Maharashtra, through Police Station Akot File, Akola, Tq. and Distt. Akola

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.

DATE : 1.3.2016

Heard Shri A.S. Mardikar, Senior Advocate assisted by
Shri N.R. Tekade Advocate for the applicant and Shri M.J.
Khan, A.P.P. for the non-applicant.

The applicant is arrested in crime registered against
him for the offence punishable under Section 147, 148, 149,
307 and 302 of the Indian Penal Code read with Section 4 and
25 of the Arms Act.

The allegations against the applicant are that five
persons (including the applicant) assaulted the deceased
Ahmad Bansi Dargewale by weapons and that 16 injuries are
found on the person of deceased and the deceased has
succumbed to the injuries.

Shri A.S. Mardikar, learned Senior Advocate has submitted that the name of applicant is not found in the F.I.R. and the so-called eye witnesses have referred to one Alim Khan or Allu T.V.wala. The learned Senior Advocate has pointed the pursis dated 30th April, 2014 which was filed before the learned Magistrate by the present applicant stating that he is not Allu T.V. wala and he is not known as Allu. Though the applicant is disputing about the above fact since inception, the non-applicant has not been able to show that the present applicant is doing the work of repairing or selling T.Vs. Be that as it may, this can be substantiated by the prosecution during trial. However, while considering the present application, it has to be noticed that the applicant is not involved in nay crime earlier, that the charge-sheet is filed and the non-applicant has not been able to show that the custody of applicant is required for further investigation. In my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.88/2014 registered by the non-applicant, be released on

bail on furnishing P.R. bond for Rs.25,000/-(Rs. Twenty Five Thousand Only) and two solvent sureties in the like amount. The solvent sureties shall be furnished by residents of Akot File, Akola, Tq. and Distt. Akola.

(ii) The applicant shall attend the sessions trial regularly. On default on the part of the applicant 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

Tambaskar.