

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 809 of 2015
[Shaikh Mujahid son of Shaikh Sadique Vs. State of Mah.]

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

Court's or Judge's orders

Mr. Mohd. Fazal, Adv., for the Applicant.
 Ms. Mehta, APP for respondent.
 Mr. K.P.I Sadavarte, Adv., for intervener.

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CORAM : A. B. CHAUDHARI, J.

DATE : 07th January, 2016.

Heard learned Adv. Mr. Sadavarte for the
applicant in Criminal Application No. 1244 of 2015.

For the reasons stated in the application, the
application to assist the prosecution is allowed.

Cri. Application [B.A.] No.809/15 :

Heard learned counsel for the rival parties.

The present applicant was arrested on 3rd
November, 2014. Other two accused have been released

on anticipatory bail on the condition that they shall not enter Buldana town. That was obviously with a view to prevent threatening, pressurizing or influencing the prosecution witnesses or tampering with the prosecution evidence.

In so far as the present applicant is concerned, he is alleged to have given a blow of a wooden rafter on the head of deceased, obviously causing hematoma and finally the death. Seeing the background of the incident, it is clear that there was a quarrel between the parties due to the children doing some or the other mischief by either side and the quarrel, thus, ensued and ultimately resulted into the fight. It is alleged that the present applicant gave a blow of a wooden rafter on the head of the deceased and ultimately he died because of the haemorrhage.

Looking to the entire background of the facts from which the incident commenced, it is clear to me that the detention of the applicant is no more necessary, particularly because the applicant can also be asked to not to enter Buldana town as was done in the case of co-accused persons. In that view of the matter, I make the following order:-

ORDER

[a] Criminal Application [BA] No. 809 of 2015 is **allowed**.

- [b]** Applicant shall be released on bail upon furnishing a Personal Bond in a sum of Rs. 20,000/- [rupees twenty thousand only] with one surety in the like amount in connection with Crime No. 207/14 for offences punishable under Sections 302, 307, 326, 325, 504, 506 and 109 read with Section 34 of Indian Penal Code.
- [c]** The applicant shall not enter the limits of Buldana town till the trial is over, except on the dates of his appearance before the Trial Court.
- [d]** Applicant shall inform the concerned Police Station where he would reside.
- [e]** The applicant shall not threaten, pressurize or influence the prosecution witnesses or tamper with the prosecution evidence. Any such act on the part of the applicant shall lead to recall of this order.

Judge

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