

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

CRIMINAL APPLICATION (BA) NO.1006 OF 2016

(Sheikh Aijaj s/o Sheikh Badu ..vs.. State of Maharashtra, through PSO, PS Achalpur City, District Amravati)

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 applicant,
Shri A.V. Palshikar, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 16-12-2016

Heard Shri R.M. Daga, learned Counsel for applicant and Shri A.V. Palshikar, learned Additional Public Prosecutor for non-applicant.

This application is filed for bail by applicant involved in Crime No.161/2016 registered by Police Station Achalpur (City), District Amravati for the offences punishable under Sections 302, 307, 294 and 506 read with 34 of Indian Penal Code.

Shri R.M. Daga, learned Counsel for applicant has submitted that charge-sheet is filed and from the documents filed with the charge-sheet, only role which can be seen against present applicant is about his committing assault on complainant Sayyad Juber Sayyad Ayub on his hand, due to which he sustained minor injuries.

It is noted that the crime is registered for the offences under Sections 302, 307, 294 and 506 of Indian Penal Code. In that view of the matter, on perusal of documents filed with the charge-sheet, it appears to be the case of prosecution that on 30-05-2016 there was some incident of quarrel between complainant and one Irfankhan while he was washing his truck in the evening. After sometime when complainant was going to his home, it is stated that applicant alongwith other co-accused persons committed assault on complainant. According to the report and as per the say of prosecution, the role attributed to applicant is of his having armed with iron pipe and committing assault on complainant by holding his collar. On perusal of injury certificate of complainant, it substantiates case of applicant as from this document it is seen that complainant has sustained three contused lacerated wounds on his arm and shoulder. Though from the case of prosecution and report, it appears that other co-accused has committed assault in the abdomen of complainant, when case of applicant is considered with reference to role attributed to as aforesaid, application is liable to be allowed.

In view of the fact that investigation is complete, charge-sheet is already filed and applicant is in custody since 31-05-2016. Application is allowed as per order

below.

Order

- (i) Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount.
- (ii) Applicant shall mark his presence with Police Station Achalpur (City), District Amravati, quarterly on the first day of each such month pending trial.
- (iii) Applicant shall provide proof of his resident and shall update the same in the event of change in near future.

JUDGE