

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLIATION (BA) NO.44 OF 2017.

Firoz Khan Hasan Khan Pathan

..VS..

State of Mah.thr.P.S.O, P.S. Kholapuri Gate, Amravati.

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

Mr.V.L.Navlani, Adv. for the applicant.
Mr.A.V.Palshikar, APP for the State.

CORAM : P.N. DESHMUKH, J.
DATE : 2nd FEBRUARY, 2017.

Heard learned counsel for the applicant and learned
Additional Public Prosecutor for the State.

This is an application for grant of bail filed by the
accused involved in Crime No.147 of 2016, registered at
Kholapuri Gate Police Station, Amravati for the offences
punishable under Sections 302, 307, 324, 452, 143, 147, 148,
120B of the Indian Penal Code, under Section 25 of the Arms Act
and under Section 135 of the Bombay Police Act.

Learned counsel for the applicant has submitted that
this Court has released other co-accused on bail who are
similarly placed with that of present applicant, as according to
the contents of report involvement of other co-accused was of
their being present at the time of incident and no role is

attributed to them while applicant is similarly placed. However, according to say of prosecution, it is further contended that the applicant instigated other accused persons to kill complainant.

Orders in Criminal Applications (BA) No.926 of 2016 and BA No.928 of 2016 passed by this Court releasing co-accused on bail reveals that said applications came to be allowed as there is no specific role attributed to any of those applicants except for their presence on the spot.

Even if the case of the prosecution as contended in paragraph no.7 of its reply is considered, reveals that at the most role attributed to applicant is of his instigating other co-accused to kill complainant. No overt act is attributed to the applicant.

In that view of the matter, application is liable to be allowed as investigation is complete and charge sheet is already filed on 2nd September, 2016. Similarly, though it is the case of prosecution that three accused involved in this crime are absconding, this by itself cannot be a ground to reject the application. Hence, following order is passed.

Applicant Firoz Khan Hasan Khan Pathan shall be released on bail in Crime No.147 of 2016 registered at Kholapuri Gate, Amravati on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount.

He shall mark his presence with the Police Station Kholapuri Gate, Amravati once in three months on 1st day of such month, pending trial.

JUDGE

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