

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

CRI. APPLICATION (BA) NO. 214 OF 2017

(AYYUB SHEIKH ABBU SHEIKH...VS.. STATE OF MAH. THR. P.S.O. PS RAMNAGAR, DIST.
CHANDRAPUR)

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

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for applicant.
Shri V.A.Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 13, 2017.

Heard.

The applicant is arrested on 10th November, 2015 in crime registered against him and three others for the offences punishable under Sections 302, 201, 120-B, 404 read with Section 34 of the Indian Penal Code. According to the Investigating Agency, there are statements of persons who have seen the deceased along with applicant and co-accused in the night preceding the date on which body of the deceased is found. It is alleged that the applicant is habitual offender and earlier also crimes for the offence punishable under Section 354 of the Indian Penal Code and Sections 323, 294, 324 and 34 of the Indian Penal Code are registered against the applicant. It is stated that co-accused Suraj Durge is absconding.

The Chargesheet is filed on 5th February, 2016. Though it is submitted that the Investigating Agency requires custody of the applicant to trace out the absconding co-accused Suraj Durge the submission cannot be accepted and

bail cannot be denied to the applicant as the applicant is in custody since 10th November, 2015 and till now the Investigating Agency has not been able to trace out the absconding co-accused Suraj Durge.

Considering the facts recorded above, in my view, the applicant is required to be granted bail, however, on conditions imposed by this order.

The applicant having been arrested in Crime No.549 of 2015, registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.Fifty Thousand and two solvent sureties in the like amount.

The applicant shall attend the sessions trial on every date before the Sessions Court unless he seeks exemption in advance from the Sessions Court.

If the applicant fails to attend any date of the trial before the Sessions Court without seeking prior permission of the Sessions Court, this order shall stand recalled and the bail granted to the applicant shall stand cancelled.

The application is **disposed** in the above terms.

JUDGE