

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

**CRIMINAL APPLICATION (BA) NO. 400 OF 2017**

(JAMYYA @ SHEIKH JAMIR SHEIKH JABBAR...VS.. STATE OF MAH. THR. P.S.O. PS BABULGAON,  
TAH-BABULGAON. DIST.YAVATMAL. )

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

Shri. U. P. Dable, Advocate for Applicant.  
Shri. N. R. Patil, A.P.P. for Non-applicant.

**CORAM : Z.A.HAQ, J.**

**DATED : 30<sup>th</sup> JUNE, 2017.**

Heard.

The applicant is arrested in connection with the crime registered against him and four others for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

According to the Investigating Agency, the accused have intentionally murdered Ganesh. According to the Investigating Agency, the applicant has assaulted Ganesh by iron rod, and co-accused Shahrukh assaulted Ganesh by knife.

The application is opposed on the ground that there are eyewitnesses and the crime is pre-meditated which is clear from the fact that 12 injuries were found on the body of deceased. It is submitted that earlier also crime for offence punishable under Section 324 of the Indian Penal Code was registered against the applicant, the offence having been

committed against Ganesh and this shows that there had been rivalry between the applicant and Ganesh.

The learned advocate for the applicant has pointed out from memorandum of postmortem examination, the opinion of Medical Superintendent which is to the effect that probable cause of death is hemorrhage and shock due to stab injury to the left lung. It is submitted that except the general accusations that the applicant has assaulted Ganesh by iron rod, nothing adverse is brought on the record against the applicant. The learned advocate for the applicant has pointed out that the statements of alleged eyewitnesses are stereotype and has submitted that they cannot be relied upon.

Be that as it may, the investigation is complete and charge-sheet is filed on 9<sup>th</sup> March, 2017. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

In the facts of the case, the following order is passed :

The applicant having been arrested in Crime No.451 of 2016 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.50,000/- and furnishing two solvent sureties for Rs.25,000/- each.

The applicant shall not enter Babulgaon town till the trial concludes.

The applicant shall be released only after he provides detailed address where he will be residing till the

conclusion of the trial.

The applicant shall attend the trial before the Sessions Court regularly on every date unless granted exemption by the Sessions Court.

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

**JUDGE**

*PBP*