

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

CRI. APPLICATION (BA) NO. 425 OF 2017

(SARFARAZ HABIB PATEL SHEIKH & ANR...VS.. STATE OF MAH. THR. P.S.O. GHUGGUS,
CHANDRAPUR)

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

Court's or Judge's orders

Shri M.N.Ali, Adv. h/f. Mr.R.M.Tahaliyani, Advocate for Applicants.
Shri S.P.Dehsande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 28, 2017.

Heard.

The applicants are arrested on 26th January, 2017 in crime registered against them and their brother Shahnavaz for the offences punishable under Sections 304, 342, 451, 506, 509 read with Section 34 of the Indian Penal Code and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the complaint that because of vandalism of the accused and as they latched the door of the house of the complainant from outside, the wife of the complainant became seriously ill, complained of pain in her chest and subsequently died. According to the complainant, the accused were knowing that the wife of the complainant was suffering from diabetes and blood pressure still they indulged in vandalism. It is further alleged that the accused abused the complainant and his family members knowing that they belong to scheduled caste.

The application is opposed on the ground that the complainant and the accused are neighbours, that the

applicants are habitual offenders and one crime for the offence punishable under Sections 294, 506 and 323 of the Indian Penal Code is registered against applicant No.1- Sarfaraz and two crimes for the offences punishable under Section 392 and 34 of the Indian Penal Code and for offences punishable under Sections 143, 147, 294, 506, 323 of the Indian Penal Code are registered against the applicant No.2- Parvaz.

The investigation is complete and charge-sheet is filed on 17th April, 2017. The non-applicant has not been able to show that the custody of the applicants is required for further investigation.

Criminal Application (ABA) No. 87 of 2017 filed by third accused Shahnawaz Habib under Section 438 of the Code of Criminal Procedure is allowed by this Court by the order passed on 16th June, 2017.

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

The applicants having been arrested in Crime No.81/2017, registered by the non-applicant, they be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand each and furnishing one solvent surety in the like amount for each of the applicant.

The applicants shall not enter village Ghuggus till the trial concludes.

The advocate for the applicants has stated that the applicants will be residing at Chandrapur.

The applicants be released only after they give the address of their residence at Chandrapur.

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

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

CRI. APPLN.(APPP) NOS.778/2017.

In view of disposal of the bail application, the application praying for time to file copy of say, order etc. does not survive, hence, the application is **disposed of**.

JUDGE

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