

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

CRI. APPLICATION (BA) NO. 505 OF 2017

(SHEIKH SALIM S/O SHEIKH KHALIL...VS.. STATE OF MAH. THR. P.S.O. PS SAKKARDARA,
DIST.NAGPAUR)

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

Court's or Judge's orders

Shri. R. K. Tiwari, Advocate for Applicant.
Shri. N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 27th JUNE, 2017.

Heard.

The applicant is arrested on 16th January, 2016 in crime registered against him and six others for the offences punishable under Sections 143, 147, 148, 149, 302, 307 and 120-B of the Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

According to the Investigating Agency, the incident occurred after a quarrel took place between Shankar and some boys while they attempted to catch a kite and then in the assault, Shekhar sustained grievous injuries and succumbed. The name of the applicant does not appear in the First Information Report. According to the Investigating Agency, the applicant is identified by eyewitnesses Eknath Meshram and Sagar Gaikwad in the Test Identification Parade. This Court while considering the Criminal Application (BA) No.177 of 2017 filed by co-accused Shahruxhan and another has recorded that the Test Identification Parade was

not conducted in the prescribed manner and some dummies have been used in every round of Test Identification Parade. This Court allowed the Criminal Application (BA) No.177 of 2017 by the order passed on 27th April, 2017.

The investigation is complete and charge-sheet is filed on 13th April, 2016. 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.13 of 2016 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.30,000/- and furnishing one solvent surety in the like amount.

The applicant 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.

JUDGE

PBP