

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

CRIMINAL APPLICATION (BA) NO. 664 OF 2017

(CHOTU @ MUSTAKIM JAVED HUSSAIN...VS...STATE OF MAH. THR. P.S.O. PS PATHROT, TAH
ACHALPUR, DIST.AMRAVATI)

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, Advocate for Applicant.
Shri A. D. Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : 26th JULY, 2017.

Heard.

The applicant is arrested on 6th November, 2016 in connection with Crime No.304 of 2016 registered against him for offence punishable under Section 302 of the Indian Penal Code.

The facts on record show that the applicant and one Shibbu were quarreling, father of the complainant interfered to mediate, the applicant got angry and lifted a stone and threw it towards the father of the complainant, the same caused injury on head of father of the complainant which proved to be fatal.

The application is opposed on the ground that the applicant is resident of Uttar Pradesh and if he is released on bail, it will not be possible to secure his presence at the trial. It is further submitted that the applicant is residing in the same area where the complainant and other witnesses reside

and the applicant may threaten the witnesses.

To dispel the apprehension of the non-applicant that applicant being resident of Uttar Pradesh may not be available for trial, Shamim Bano wife of the applicant has filed an affidavit sworn on 25th July, 2017 stating that the applicant is residing at Pathrot, Tah-Achalpur, Dist-Amravati since last 17 years, son of the applicant is studying in 9th standard in Urdu High School Pathrot, two daughters of the applicant are studying in 6th standard and 9th standard in Zilla Parishad Upper Primary Urdu School, Pathrot. Copy of residence certificate issued by Zilla Parishad Pathrot showing that the applicant and his family are residing in Ward No.4, Pathrot is also placed on record. The non-applicant has not disputed the above facts.

The investigation is complete and charge-sheet is filed on 31st January, 2017. The non-applicant has not been able to point out that further custody of the applicant is required for investigation. The applicant, aged about 40 years, claims to be a labourer and has stated that he is not involved in any other crime/offence.

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

The applicant having been arrested in connection with Crime No.304 of 2016 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.20,000/- 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