

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

CRI. APPLICATION (BA) NO. 684 OF 2017

(SHAIKH MEHABOOB SHAIKH ILIYAS....VS.. STATE OF MAH.THR.P.S.O., DABKI ROAD, AKOLA)

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

Court's or Judge's orders

Shri R.J.Mirza, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 26, 2017.

Heard.

Crime / F.I.R. No.86 of 2015 is registered against 10 accused (including the applicant) for the offences punishable under Sections 302, 307, 109, 201, 120-B, 147, 148 and 149 of the Indian Penal Code read with Section 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act on the accusations that the accused have brutally assaulted the victim using weapons like sword and sickle and because of the injuries the victim died. The facts on record show that the victim had 7 injuries on his body.

The accusations against the applicant are that he had assaulted the victim by sickle.

The learned advocate for the applicant has pointed out that co-accused Sk. Aquil is released on bail as per the order passed by this Court on Criminal Application (BA) No. 319 of 2016 on 10th May, 2016 and co-accused Imran Khan is released on bail as per the order passed by this

Court on Criminal Application (BA) No. 41 OF 2016 on 23rd June, 2016. It is pointed out that co-accused Imran Hussain and Mohd. Azim are also released on bail as per the order passed by the Sessions Court.

The learned advocate for the applicant has submitted that though the order passed on Criminal Application (BA) No. 319 of 2016 on 10th May, 2016 directing that Sk. Aquil be released on bail is challenged by the complainant and the Petition for Special Leave to Appeal is pending, there is no interim order and Sk. Aquil is released on bail.

The investigation is complete and the charge-sheet is filed on 27th October, 2015. Though the application is opposed on the ground that there is ample evidence showing involvement of the applicant in commission of the crime and the crime is serious in nature, the non-applicant has not been able to point out that further custody of the applicant is required for investigation.

The applicant, aged about 23 years, claims to be a businessman 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/F.I.R. No.86 of 2015, registered by the non-applicant, he be released on bail on executing P.R. Bond for Rs.Fifty Thousand and furnishing two solvent sureties in the like amount.

The applicant shall regularly 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

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