

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

CRIMINAL APPLICATION (BA) NO.719 OF 2017

Shubrati Shaikh s/o Bhura Shaikh and anr

..vs..

State of Mah., thr. PS Koradi, Nagpur

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

Court's or Judge's Order

Shri Sk. Sabahatullah, Counsel for the applicants.
Shri V.P. Gangane, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 9, 2017.

Heard learned counsel Shri Sk. Sabahatullah for
the applicants and learned Additional Public Prosecutor Shri
V.P. Gangane for the State.

The applicants are arrested in connection with
Crime No.108 of 2017 registered with Police Station Koradi,
Nagpur for the offences punishable under Sections 399 read
with Section 34 of the Indian Penal Code, 1860 and read with
Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the
Bombay Police Police Act, 1951.

The first information report is lodged by Assistant
Police Inspector Pradip Atulkar.

According to the first information report, the
police party got a secret information that some persons are

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planning to commit cognizable offence. Therefore, the police party reached near Guds-layout, Ayodhya Nagar. There, they found 5 to 7 persons were assembled. They were apprehended. Certain weapons and other articles were seized from some of them. The first information report itself shows that no weapon or any other incriminating material was seized from present applicants. From applicant No.1 Shubrati Rs.500 and a mobile-phone worths Rs.1000/- was seized whereas from applicant No.2 Faryad Rs.200/- and a mobile-phone worths Rs.1,000/- was seized.

The present application for grant of bail is strongly opposed by learned Additional Public Prosecutor Shri V.P. Gangane for the State on the ground that the present applicants were found in the company of the persons from whom the weapons are seized. He further submits that in the recent future the investigating officer is likely to file the charge-sheet.

The police papers do not show any other incriminating material against the present applicants except the fact that they were found in the company of other co-accused who were found to be in possession of the deadly weapons. This particular aspect can be a relevant consideration during the course of the Trial. However, since there is no other material against the present applicants and past record of the present applicants is not tainted, in my view, further incarceration of

the present applicants in jail is not required. They can be released on bail by imposing stringent conditions on them. Hence, I pass the following order:

ORDER

- i) The present criminal application is allowed.
- ii) The present applicants be released on bail on their executing P.R. Bond in the sum of Rs.10,000/- each with two solvent sureties each in connection with Crime No.108 of 2017 registered with Police Station Koradi, Nagpur for the offences punishable under Sections 399 read with Section 34 of the Indian Penal Code, 1860 and read with Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Bombay Police Act, 1951.
- iii) The applicants shall attend the Police Station thrice a week i.e. on every Monday, Wednesday, and Saturday and they shall be with the investigating officer right from 10:00 a.m. to 3:00 p.m., till filing of the charge-sheet.
- iv) After filing of the charge-sheet by the investigating officer, the applicants shall attend

the Police Station thrice a week i.e. on every Sunday, Tuesday, and Wednesday in between 3:00 p.m. to 7:00 p.m., till culmination of the Trial.

v) The applicants shall not leave the Nagpur City without prior permission from the investigating officer.

vi) If any of the aforesaid conditions is found to be breached, the investigating officer shall be at liberty to file an application for cancellation of bail.

vii) The applicants shall maintain dairy to show their presence.

viii) With this, the criminal application is allowed and disposed of.

JUDGE

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