

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

CRIMINAL APPLICATION (BA) NO. 791 OF 2017

(Abdul Kadir Abdul Rauf..vs..State of Maharashtra, through PSO.PS.Karanja City, District-Washim)

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 T.A.Mirza, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J

DATED : AUGUST 28 , 2017

Heard learned counsel for the applicant and
learned A.P.P. for State.

2] This is an application under Section 439 of Code of
Criminal Procedure for bail.

3] The applicant is arrested in connection with
Crime No.77/2017 registered with P.S.Karanja City,District-
Washim for the offence punishable under Sections 307,336,
435,427, 143, 147, 148,504 and 506 of the Indian Penal
Code.

4] The investigation is already over and final report
is already filed. Before approaching to this Court, the
applicant has approached before learned I/c Additional
Sessions Judge,Mangrulpir by moving an application for bail.
His application was rejected by the learned Court below vide
order dated 8/8/2017 primarily on the ground that the
applicant was found to be absconding.

5] During the course of hearing, the learned counsel
for the applicant invited my attention to a notice issued

against the present applicant by police authority dated 16/5/2017, by which the applicant was called to appear before the Court of learned Judicial Magistrate First Class , Karanja in respect of Crime No.93/2015. Thus, it clearly shows that the applicant cannot be branded or termed as he was absconding since notice was served upon him to appear before learned Judicial Magistrate First Class, Karanja and he moved an application before learned Additional Sessions Court, Mangrulpir to obtain bail in the said crime.

6] In the F.I.R. no overtact is attributed against the present applicant, however his presence was shown alongwith other co-accused persons. In the supplementary statement, role attributed to the present applicant is that he set on fire one motorcycle and also thrown some stones on the house of Smt.Latabai.

7] All other accused persons against whom the specific role is attributed by the prosecution witnesses are already released on bail by the Court of Sessions. The investigation is over. In view of the fact that the other co-accused persons against whom the serious role is attributed are already released on bail I see no reason for further incarceration of applicant in jail. Hence, the order.

ORDER

- I) The application is allowed.
- II) Applicant Abdul Kadir Abdul Rauf be released in Crime No.77/2017 registered with P.S.Karanja City,District-Washim for the offence punishable

under Sections 307,336, 435,427, 143, 147, 148,504 and 506 of the Indian Penal Code on he executing P.R. of Rs. 25,000/- with two solvent sureties in the like amount.

- III) The applicant shall attend P.S.Karanja City,District-Washim twice in a month i.e. on 1st Thursday and 4th Wednesday and he shall be in police station in between 3.00 p.m. to 6.00 p.m. till culmination of the trial.
- IV) With this the application is disposed of.

JUDGE

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