

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

CRIMINAL APPLICATION (BA) NO.801/2017

Salimoddin Qazi Alimoddin Qazi ..vs.. State of Maharashtra thr. PSO P.S.
Pusad (City), Tq. Pusad, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. T. Deshpande, Advocate for applicant.
Mr. V. Gangane, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 31, 2017

Heard Mr. T.Deshpande, Advocate for
applicant and Mr. V. Gangane, A.P.P. for non applicant.

The applicant is arrested on 02.01.2017 in
connection with Crime No.467/2016 registered with
Police Station, Pusad (City), Tq. Pusad, Dist. Yavatmal
for an offence punishable under Sections 143, 147, 149,
324, 452, 294, 427, 506, 307 and 302 of the Indian
Penal Code.

The date of incident is 26.12.2016. On the
said day, according to the prosecution case, Kamil Khan
received injuries in the assault made by the present
applicant and other 5 co-accused. The said Kamil Khan
lost his life on 04.01.2017. Therefore, the offence was
converted into Section 302 of the Indian Penal Code.
The charge-sheet is already filed in the matter so also the
articles and weapon are already seized.

Learned counsel for the applicant invited my
attention to the post mortem report. From the post

mortem report, it is clear that this is a case of single injury.

According to the FIR lodged by Akhil Khan, cousin of the deceased Kamil Khan, the present applicant and others assaulted on the deceased.

The learned counsel also invited my attention to the two supplementary statements of the first informant. Perusal of those statements shows that there is a tendency on the part of the first informant to make improvements. In such a situation, when the investigation is already over and other accused persons are already released on bail, further custodial presence of the applicant is not necessary.

ORDER

- (i) Criminal Application No.801/2017 is allowed.
- (ii) Applicant-Salimoddin Qazi Alimoddin Qazi be released on bail in connection with Crime No.467/2016, registered with Police Station, Pusad (City), Tq. Pusad, Dist. Yavatmal for an offence punishable under Sections 143, 147, 149, 324, 452, 294, 427, 506, 307 and 302 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall not enter the territorial jurisdiction of Pusad city and shall only enter Pusad city for attending the present trial.

(iv) At the time of executing the bail bonds, the applicant shall furnish his residential address to the learned Sessions Court and the learned Sessions Court shall issue further directions to the applicant to attend the nearest Police Station of the place where the applicant will be residing, twice a week till the culmination of the trial.

(v) The applicant shall not try to prejudice the progress of the case.

The application stands disposed of.

JUDGE