

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

CRIMINAL APPLICATION (BA) NO.807 OF 2017

Irshad Khan @ Irshu Afroz Khan

..vs..

The State of Maharashtra, thr. PSO PS GRP Badnera, District Amravati

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

Court's or Judge's Order

.....
Shri Mir Nagman Ali, Counsel for the applicant.
Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 4, 2017.

This is an application for bail.

The applicant is arrested in connection with Crime
No.22 of 2017 registered with the GRP Badnera, Police Station,
District Amravati for the offence punishable under Section 395
of the Indian Penal Code on the complaint lodged by Dagdu
Nyanba Kapkar.

Learned counsel Shri Mir Nagman Ali for the
applicant submits that though the present applicant was
identified in the course of the test identification parade, this
Court in Criminal Application Nos.478 of 2017 and 670 of 2017 on
4.7.2017 and 21.7.2017 has released co-accused Israil Khan and
Dominic Manfred Cope on bail though they were identified by
the first informant. He, therefore, submits that the case of the

applicant is at par with the case of those two accused persons who are already released on bail by this Court.

This particular submission is not at all disputed by learned Additional Public Prosecutor for the State.

In the present case, the investigation is over and the charge-sheet is already filed. Further, in view of the fact that the accused persons whose role is similar to that of the present applicant and who were also identified by the complainant and they are already released on bail, I see no reason for not applying the principles of party in favour of the present applicant. That leads me to pass the following order:

ORDER

- i) The criminal application is allowed.
- ii) The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.20,000/- with two solvent sureties of the like amount in connection with Crime No.22 of 2017 registered with the GRP Badnera, Police Station, District Amravati for the offence punishable under Section 395 of the Indian Penal Code.

JUDGE

!! BRW !!

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