

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

CRIMINAL APPLICATION (BA) NO.846/2017

Anis Amirali Khan ..vs.. State of Maharashtra through PSO P.S. Majari, Dist.
Chandrapur

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

Court's or Judge's orders.

Mr. Suyash Agrawal, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 7, 2017

Heard Mr. Suyash Agrawal, Advocate for
applicant and Mr. T.A. Mirza, A.P.P. for non applicant-
State.

The applicant is arrested on 16.11.2016 in
connection with Crime No.225/2016 registered with
Police Station, Majari, Dist. Chandrapur for an offence
punishable under Section 302 of the Indian Penal Code.

The investigation is over. The charge-sheet is
already filed before the Court below.

As per the prosecution case, Anisa Bano
daughter of the deceased Batunbi lodged a report with
Police Station, Majari against the present applicant who
is her brother, his wife and others.

As per the prosecution, the deceased Batunbi
was working with Western Coalfields Ltd. and was on
the verge of retirement. According to the prosecution,
the present applicant, who is unemployed was intending

to have a job with the Western Coalfields Ltd. Therefore, he has given contract to eliminate his mother.

The learned A.P.P. has pointed out statement of one Dilip who is the co-employee. His statement reveals that Batunbi used to inform him that there used to be quarrels between herself and her son. Merely because there was quarrel between the son and mother that by itself is not sufficient to jump to the conclusion, at least prima facie, that there was a conspiracy that was hatched between him and his wife, who is already released on bail by this Court. The learned A.P.P. was unable to point out any evidence by which it could be said that the applicant hatched a conspiracy.

The applicant's bail is rejected by the learned Judge of the Court below mainly on the ground that there is possibility that he may tamper with the prosecution case. However, there is nothing on record to show that the applicant is in a position to influence the prosecution witnesses.

Since, the charge-sheet is already filed and looking to the quality of material that is collected and is filed in the nature of the charge-sheet and looking to the fact that in near future there is a little possibility of the trial being conducted before the Sessions Court, I am of the view that the applicant should not be allowed to continue with his incarceration in jail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.846/2017 is allowed.
- (ii) Applicant-Anis Amirali Khan be released on bail in connection with Crime No.225/2016 registered with Police Station, Majari, Dist. Chandrapur for an offence punishable under Section 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 attend Police Station, Majari twice a week i.e. every Wednesday and Saturday between 3.00 p.m. to 5.00 p.m. till culmination of trial.

The application stands disposed of.

JUDGE

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