

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 867 OF 2017

(Irshand Ahmad Quraishi Md. Hussain Quraishi and others..vs..State of Maharashtra, through PSO.PS.Nagpurigate,District-Amravati.)

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

Court's or Judge's orders.

Shri V.L.Navlani,Advocate for applicants.

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

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 8, 2017

This is an application under Section 439 of Code of Criminal Procedure,for grant of regular bail.

Heard learned counsel for the applicants and learned A.P.P. for State-non-applicant.

At the outset, learned counsel for applicants submits that he has instructions to withdraw the application on behalf of applicant no.1 Irshad Ahmad Quraishi Md.Hussain Quraishi and applicant no.7 Abdul Salaam Quraishi Sk.Rahim Quraishi. Permission granted.

Though the case is coming for the first time, learned A.P.P. submits that investigating officer is personally present in the Court. He has given detailed instructions to him and is armed with all police papers.

The F.I.R. bearing Crime No.259/2017, for the offence punishable under Sections 147,148,149,324,336,307 of the Indian Penal Code is registered with P.S. Nagpurigate, Amravti reported by Abdul Jahir Abdul Majid, the injured.

The dispute started on account of emitting bad odour in view of the meat shop run by applicant no.1 Irshad Ahmad Qureshi. According to F.I.R.when first informant questioned about the activities of running a meat shop with Irshad Ahmad he assaulted first informant and also injured Abdul Talib Abdul Jahir by means of knife. According to prosecution, the other relatives who tried to intervene in the matter were also assaulted by the present applicants.

According to first informant, he was assaulted by applicant no.1 Irshad Ahmad by means of knife and by applicant no.6 Jahir Ahmed Qureshi by means of stick and one Jamir who is not before this Court.

As per the police statement Abdul Jahir who has received serious injury on head attributed the role of attack against the applicant no.1 Irshad and Jamir who is not before the Court and against applicant no.7 Abdul Salam that he gave sword blow.

Thus, it is clear from the statements of these two injured witnesses that the roles of the applicant nos. 2 to 6 are minor in nature.

There is a recovery at the instance of applicant no.1 Irshad and applicant no.7 Abdul Salam and on their memorandum statements knife and sword is recovered.

In that view of the matter, though presently the chargesheet is not filed looking to the role attributed against the applicant nos. 2 to 6 in my view, they may be released on bail by putting stringent conditions on them. Hence, order.

ORDER

- I) Applicant no.2 Md.Sheikh Imran Quraishi
Ab.Gafoor, applicant no.3 Jahir Ahmad Quraishi
Ab.Nazir Quraishi, applicant no.4 Md.Asrar Quraishi
Md.Ibrahim Quraishi, applicant no.5 Ab.Rashid
Quraishi Ab.Hafiz Quraishi and applicant no.6 Jahir
Ahmad Quraishi @ Babu Jahur Ahmad Quraishi be
released on bail in Crime No.259/2017, for the
offence punishable under Sections 147,148,149, 324,
336,307 of the Indian Penal Code registered with P.S.
Nagpurigate, Amravti on they executing P.B. of Rs.
10000/- **each** alongwith two solvent sureties of like
amount **each**.
- II) The applicant nos. 2 to 6 shall attend
P.S.Ngpurigate,Amravati twice a week i.e. Monday
and Wednesday in between 3.00 p.m. to 5.00 p.m. till
the culmination of the trial.
- III) Applicant nos. 2 to 6 will be at liberty to file
application for relaxation of the condition only after a
period of two years from today if the trial does not
commence within this period.
- IV) Accordingly, the application is disposed of.

JUDGE