

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

CRIMINAL APPLICATION (ABA) NO. 651 OF 2017

(Abdul Shahnawaz S/o Abdul Salim Shaikh..vs..State of Maharashtra, through
PSO.PS.Gittikhadan,Nagpur)

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

Court's or Judge's orders.

Shri J.A.Malnas, Advocate for applicant.
Smt.Kalyani Deshpande, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J
DATED : SEPTEMBER 13, 2017

This is an application for pre-arrest bail since the applicant is apprehending his arrest in connection with Crime No.525/2017, registered with P.S.O. Gittikhadan, Nagpur for the offence punishable under Sections 143, 144, 145, 146, 147, 148, 149, 307 of the Indian Penal Code and Section 135 of the Bombay Police Act.

Heard learned advocate for applicant, and learned A.P.P. for the State.

Though the case is coming for the first time, the learned A.P.P. is ready with all investigation papers, not only that she has tendered reply which is taken on record.

The F.I.R. is lodged by Mohd.Jishan S/o Mohd. Mustaq Shaikh on 27/8/2017. According to F.I.R. it is clear that the incident in question is fallout of some verbal altercation that took place between the first informant and

one Mohd. Shahrukh Shaikh on the eve of 'Bakri Id' for purchasing the goat.

As per the F.I.R. on the day of the occurrence i.e. 27/8/2017 he was assaulted by the accused persons. In the F.I.R. the name of the applicant is not appearing . Further specific role is attributed by the first informant against one Sahil who gave knife blow and in the F.I.R. it is stated that he was caught hold by one co-accused Shakhir and Yaya Patel.

Further after three days, statement of Irphan Ulha Khan @ Khanu is recorded by the investigating agency in which the role attributed against the present applicant is that he alongwith co-accused Shakhir caught hold the neck of the injured.

The reply shows that other co-accused are already arrested by the investigating officer and weapon is also recovered. In the F.I.R. as well as in the statement of Irphan Ulha Khan @ Khanu the role of giving knife blow is attributed to accused Sohail. In the F.I.R. there is no role that is attributing against the present applicant. The role of the present applicant is surfacing after three days. The belated recording of the police statement of the alleged eye witness and the nature of the allegations against the present applicant in my view does not rule out the possibility of embellishment . Hence, order.

ORDER

- I) In the event of arrest of applicant Abdul Shahnawaz S/o Abdul Salim Shaikh in Crime No.525/2017, registered with P.S.O. Gittikhadan, Nagpur for the offence punishable under Sections 143,144, 145,146,147, 148, 149, 307 of the Indian Penal Code and Section 135 of the Bombay Police Act, he be released on bail on he executing P.B. of Rs. 25000/- with two solvent sureties in the like amount.
- II) The applicant shall attend P.S.Gittikhadan, Nagpur twice in a week i.e. on Monday and Thursday in between 3.00 p.m. to 5.00 p.m. till the filing of the chargesheet.
- III) After filing of the chargesheet the applicant shall attend P.S.Gittikhadan,Nagpur once in a month i.e. last Sunday of every month in between 3.00 p.m. to 5.00 p.m. till the culmination of the trial.

With this the application is disposed of .

JUDGE