

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.915 OF 2017

(Ahfaz Ali Beg S/o Riyaz Ali Beg ..vs..State of Maharashtra, through
PSO.PS.Nagpurigate,Amravati)

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

Court's or Judge's orders.

Shri P.W.Mirza, Advocate for applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 29, 2017

This is an application for grant of regular bail.

2] Heard learned counsel for applicant and learned A.P.P. for State-non-applicant, also perused the reply filed on behalf of the State.

3] The applicant is arrested on 12/8/2017, in connection with Crime No.258/2017, registered with P.S.Nagpurigate, Amravati, for the offence punishable under Sections 147, 148, 149, 324, 325, 336 and 307 of the Indian Penal Code.

4] The complainant is Irshad Hussain Mohammed Hussain who was having his house as per prosecution case, accused Abdul Jahir @ Kalya Abdul Majid and his associates used to in front of the said house and used to having drinking session. The said act of Abdul Jahir @ Kalya Abdul Majid was objected by the complainant, however the accused persons continued with their activities. According to the complainant, on

the day of incident when Abdul Jahir @ Kalya was having his drinking session that time complainant objected the said act he was slapped by Abdul Jahir @ Kalya and also used the filthy language. That time his and other accused persons assaulted the complainant with stick which were carrying in their hands and caused injuries. The investigating officer sent the injured person in the hospital.

5] The application is opposed mainly on the ground that investigation is in progress and chargesheet is not filed.

6] The name of the present applicant is not appearing in the F.I.R. According to learned A.P.P. on the basis of reply which is prepared on the basis of investigation papers the name of the present applicant surfaces during the course of the investigation. According to the prosecution, the role that is attributed against the present applicant is that he threw or pelted bricks towards the injured. It is not the case of the prosecution that the present applicant used any stick or iron rod. Looking to the role attributed against the present applicant though chargesheet is not filed since the applicant is in jail since 12/8/2017 in my view, his further custodial presence is not warranted. That leads me to pass the following order.

ORDER

- I) Application is allowed.
- II) Applicant Ahfaz Ali Beg S/o Riyaz Ali Beg be released on bail in Crime No.258/2017, registered with P.S.Nagpurigate,Amravati, for the offence punishable under Sections 147,148,149, 324,325,336 and 307 of the Indian Penal Code, on he executing P.B.of Rs. 25,000/- with two solvent sureties of the like amount.
- III) The applicant shall attend P.S.Nagpurigate, Amravati once in a month preferably on Second Saturday of every month in between 3.00 p.m. to 5.00 p.m. till the culmination of the trial

Application is disposed of.

JUDGE