

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

CRIMINAL APPLICATION (BA) NO.965 OF 2016
(Amin @ Golu Riyaz Khilji vs. The State of Maharashtra)

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

Shri M.N. Ali, Advocate for applicant.

Shri A.M. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 14, 2017

One of the accused involved in Crime No.451/2015 registered on the basis of report lodged by Sheikh Imran has filed this application for bail primarily on the ground of parity contending that all other co-accused, namely, Mohammad Sadique Abdul Jabbar, Javed alias Kabutar Ali, Shahrukh Ali and Sheikh Firoz alias Zalka are released on bail and role attributed to said co-accused and applicant is similar. For that purpose, learned Counsel for applicant has read contents of report dated 24/10/2015 lodged by Sheikh Imran.

Contentions put forth as aforesaid are found substantiated as there is no specific role attributed to applicant Amin and role attributed to applicant and to other co-accused, who are on bail, is similar. General statements are made by complainant about applicant committing assault on his brother deceased Sheikh Irfan and Rizwan, who is injured.

From the record it is revealed that on the basis of report lodged by co-accused Mohammad

Sadique, counter case is registered vide Crime No.452/2015 against as many as seven accused persons, out of which, four are released on regular bail by learned Sessions Court and High Court and two are granted anticipatory bail by High Court while Sheikh Irfan Sheikh Ramzan died in the said incident of assault. Similarly, in Crime No. 451/2015 out of which present application arises, Mohammad Iqbal Abdul Jabbar and Mohammad Javed Abdul Jabar, who are found murdered in this crime are also made accused. Learned Additional Public Prosecutor states that they are made accused in Crime No.451/2015 as they died after registration of crime and thus, were made accused.

Having considered facts as aforesaid and since role attributed to applicant is similar to co-accused, who are released on bail, application is liable to be allowed on parity as investigation is complete and charge-sheet is filed, as per order below :

The applicant shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.50,000/- with one surety in like amount. He shall attend Police Station, Yavatmal City on first day of every three months. He shall furnish proof of his residential address to Investigating Officer and shall update the same in the event of any change therein. The criminal application is accordingly allowed.

JUDGE

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