

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

CRIMINAL APPLICATION (ABA) NO.776/2016

Shaikh Yakub Sk. Habib and another
..Vs..
State of Maharashtra, through P.S.O. Telhara, Distt. Akola

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

Court's or Judge's orders

Shri A. Mardikar, Sr. Adv. with Shri S.G. Joshi, Adv. for the applicants.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 9.6.2017.

Heard.

The applicants have sought pre-arrest bail in crime registered against them and five others for the offence punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code and Section 4/ 25 of the Arms Act and Section 7 of Criminal Law Amendment Act (as shown in the final report). The accusations against the applicants are that they assaulted the complainant Sheikh Ansar alleging that the dairy business of the accused is in doldrum because of starting of the same business by Sheikh Ansar.

The application is opposed on the ground that there are eye witnesses and medical report corroborates the accusations of injury on the person of complainant

by means of sharp edged weapons. The learned A.P.P. has submitted that knife and swords are recovered from the co-accused.

The applicants have stated that they are not involved in any other crime / offence. This is not controverted by the non-applicant. The charge-sheet is filed on 1 October, 2016. This Court has granted interim protection by order passed on 1st December, 2016. The applicants have not made any complaint that the applicants have misused the interim protection.

Considering the facts of the case, in my view, the interim protection granted by this Court is required to be confirmed, however, on modified conditions.

Hence, the following order:

- (i) In the event of arrest in Crime No.159/2016 registered by the non-applicant, the applicant No.2 - Shaikh Qadar S/o Sk. Safdar be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and one solvent surety in the like amount.
- (ii) In the event of arrest in Crime No.159/2016 registered by the non-applicant, the applicant No.1 - Shaikh Yakub Sk. Habib, who claims to be resident of Surat, be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and two solvent sureties in the like amount.

These solvent sureties shall be furnished by the mother of the applicant No.1 and step-brother of the applicant No.1

- (iii) The applicants shall attend the trial before the

Sessions Court on every date unless granted exemption by the Sessions Court.

(iv) The application is **allowed** in the above terms.

JUDGE

Tambaskar.