

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

CRIMINAL APPLICATION (BA) NO.1123 OF 2017

Aashiq s/o Nabi Shaikh, Vadoda Road, Ward No.1, Gunthala Village, Dist. Nagpur.

-vs-

State of Maharashtra, Thr. PSO, PS Mouda, Dist. Nagpur

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

Court's or Judge's Orders.

Shri Sk. Sabahat Ullah, Advocate for applicant.
Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

The applicant who has been arrested on 07/06/2017 in connection with Crime No.267/2017 registered at Police Station Mouda, Dist. Nagpur for the offence punishable under Sections 302, 326, 323, 147, 148, 149 of the Indian Penal Code seeks his release on bail.

As per the First Information Report lodged by one Ramkesh on 03/06/2017, it is stated that on the previous day one Tikam Ajwani had come to his paan shop at 8 pm and had thereafter left the place. He was followed by four persons on two motorcycles which included the present applicant. The informant learnt that said Tikam Ajwani and his brother Gopi had been assaulted and in that process Gopi Ajwani sustained grievous injuries. During the course of investigation, applicant came to be arrested.

It is submitted on behalf of the applicant that he was not named in the First Information Report. The charge-sheet that

has been filed on 01/09/2017 merely refers to the applicant being the member of the group that is alleged to have assaulted the Ajwani brothers. Except clothes of the present applicant, nothing has been seized from him. It is then submitted that as per the statement of the eye-witness while Gopi Ajwani was being taken towards the village he had fallen down from the motorcycle and therefore it is likely that he had sustained head injuries in that process. Reference is made to the orders passed with regard to co-accused in Criminal Application (BA) Nos.936 and 937 of 2017.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that as per the statements of the witnesses, the applicant was present at the place of incident. Serious injuries were caused to the deceased and clothes of the applicant have been duly seized. Hence the applicant does not deserve to be released on bail.

Perused the material placed on record along with charge-sheet. The applicant has been named by the witnesses but it is found that assault by kicks and fist blows is attributed to him. There is no seizure effected from the applicant except his clothes. I find him similarly situated with the applicants/accused in Criminal Application (BA) Nos.936 and 937 of 2017. Considering the nature of material available on record I find a case made out for releasing the applicant on bail.

Accordingly the applicant Aashiq s/o Nabi Shaikh who has been arrested on 07/06/2017 in connection with Crime No.267/2017 registered at Police Station Mouda, Dist. Nagpur for the offence punishable under Sections 302, 326, 323, 147, 148 and 149 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

The applicant after his release shall attend the concerned Police Station on first Monday of every month and as per the directions of the Sessions Court. He shall co-operate in completion of trial and shall not influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE