

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

CRIMINAL APPLICATION (BA) NO.96/2018

Farukh @ Sonu Hussain Sheikh

..vs..

The State of Mah., thr. PSO PS Umred, District Nagpur

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

Court's or Judge's Order

.....
Shri M.N. Ali, Counsel for the applicant.

Shri M.K. Pathan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 8, 2018.

1. Heard learned counsel Shri M.N. Ali for the applicant and learned Additional Public Prosecutor Shri M.K. Pathan for the State.
2. The applicant is arrested in connection with Crime No.121/2017 registered with Police Station Umred, District Nagpur for the offence punishable under Section 302 of the Indian Penal Code.
3. The applicant is facing allegation of patricide. According to the First Information Report (FIR) lodged by Shabnam Sheikh Imam Sheikh, sister-in-law of the applicant, on the day of the incident i.e. on 17.2.2017 when she, her mother-in-law, her husband Imam, her mother Firoza, and one Fatima were talking in respect of bad health of her mother-in-law, the applicant was taking rest on the Sofa. It is further stated in the FIR that father-in-law, who is deceased, used to ask the applicant that he should work. It is further stated in the FIR that on the

day of the incident i.e. on 17.2.2017 he said to the first informant that she should not serve tea to the applicant, on that according to the FIR, he took up a stick which was lying there and gave blow on the head of the deceased resulting into death.

4. The investigation is already over.

5. Looking to the nature of evidence that is collected during the course of the investigation, *prima facie*, this Court is of the opinion that the offence may be scaled down from the offence punishable under Section 302 of the Indian Penal Code to any lesser offence for which punishment is not life imprisonment or death.

6. In that view of the matter, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Farukh @ Sonu Hussain Sheikh, be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.121/2017 registered with Police Station Umred, District Nagpur for the offence punishable under Section 302 of the Indian Penal Code.

(c) The applicant shall attend the police station once in a month i.e. on 3rd Tuesday of every month from 3:00

p.m. to 5:00 p.m., till culmination of the Trial.

(d) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(e) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-