

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

Criminal Application [BA] No.241 of 2018

Afzal s/o Amir Rahim Sheikh

vs.

State of Maharashtra, through P.S.O. Mouda, District Nagpur

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

Court's or Judge's Orders

Shri A.S. Band, Advocate for the Applicant.
Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 20th MARCH, 2018.

Heard.

Perused the charge-sheet and the reply of the prosecution. In this case, there are in all 8 accused persons, out of which 7 have been granted regular bail by the Sessions Court. The Sessions Court refused to enlarge this applicant because it thought that this applicant played a major role in the entire incident. However, on going through the statements of witnesses, I find that the allegations of brutal assault using wooden logs have been made not only against this applicant but also all those, who participated in the assault and these allegations, *prima facie*, jointly incriminate all the accused persons. Then, it were not only this applicant but also his brother-in-law Ismail Khan, who had arrived at the spot of incident for the first time and who had then called other persons to carry out attack on Gopi and his younger brother Tikam. Even for this purpose, the role played by this applicant was similar to the one played by the co-accused Ismail Khan. But Ismail Khan has already been granted bail

by the Session Court. In these circumstances, I do not see any reason to distinguish the case of this applicant from that of the remaining co-accused, who have been released on bail. The learned A.P.P. for the State also could not show to me any distinguishing factor so as to enable this Court to decline bail to this applicant.

In the result, I find that this applicant is also equally entitled to be released on bail as the other co-accused, who are equally situated with him.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond of Rs.50,000/- together with one solvent surety in the like sum on the following conditions :

- i. The applicant shall attend the concerned police station on every Sunday between 05:00 p.m. and 07:00 p.m. till conclusion of the trial.
- ii. The applicant shall regularly attend the trial Court and co-operate in expeditious disposal of the case.
- iii. The applicant shall not tamper with the prosecution witnesses in any manner.

The application is disposed of in the above terms.

JUDGE