

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

CRIMINAL APPLICATION (ABA) NO.309/2018

Md. Irfan Farooqui s/o Sher Md. Farooqi and anr. ..vs.. State of
Maharashtra through PSO P.S. Warud, Tq. Warud, Dist. Amravati.

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

Court's or Judge's orders.

Mr. M. Hussain, Advocate for applicants.

Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : MAY 4, 2018

1. This is an application for grant of anticipatory bail. The applicants are apprehending their arrest in connection with crime no.96/2018 registered with Police Station, Warud, Tq. Warud, Dist. Amravati for an offence punishable under Sections 307, 435, 353, 332, 341, 114, 143, 147, 186 of the Indian Penal Code and Section 4 of the Prevention to Damages to Public Property Act read with Section 135 of the Bombay Police Act.

2. Heard Mr. M. Hussain, learned counsel for the applicants and Mr. Madiwale, learned A.P.P. for the non applicant-State. I have perused the reply filed on behalf of the prosecution.

3. The learned counsel for the applicant tendered the three orders passed by this Court (Coram: S. B. Shukre, J.) on 19.04.2018, 26.04.2018 and 02.05.2018. They are

taken on record and collectively marked "X" for identification. He submits that the role attributed to the present applicants is identical to the roles attributed to the applicants in those three applications. The said fact is not disputed by the prosecution.

4. Since, it is not in dispute that the accused in the present application are similarly situated with the co-accused in the three applications i.e. Criminal Application Nos.259/2018, 269/2018 and 283/2018, who are already granted anticipatory bail by this Court, on the ground of parity, this application needs to be considered favourably.

5. In view of above, following order is passed.

ORDER

- (i) Criminal Application No.309/2018 is allowed.
- (ii) In the event of arrest in connection with crime no.96/2018 registered with Police Station, Warud, Tq. Warud, Dist. Amravati for an offence punishable under Sections 307, 435, 353, 332, 341, 114, 143, 147, 186 of the Indian Penal Code and Section 4 of the Prevention to Damages to Public Property Act read with Section 135 of the Bombay Police Act the applicant no.1-Md. Irfan Farooqi s/o Sher Md. Farooqi and applicant no.2-Irfan Beg s/o Muzzaffar Beg, be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

(iii) The applicant shall attend Police Station, Warud, on 14.05.2018, 15.05.2018 and 16.05.2018 and shall be with the investigating officer from 11.00 a.m. to 01.00 p.m. and shall cooperate with the investigating officer. The applicants shall further attend the police station as and when called by the investigating officer on prior written intimation of 48 hours.

The application is disposed of.

JUDGE

kahale