

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

CRIMINAL APPLICATION (BA) No. 650 OF 2019

Prakash @ Lokhandya Shalikram Uikey
..VS..

State of Maharashtra, Through PSO PS Shirpur, Yavatmal

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

Court's or Judge's orders

Shri. A. S. Dore, Advocate for the applicant.
Shri. Khan, APP for the non-applicant State.

CORAM : Manish Pitale J

DATED : 08.08.2019

The applicant has approached this Court seeking bail, as he stood arrested on 13.03.2019 in connection with First Information Report (FIR) dated 09.03.2019, whereby offences under Sections 353, 332, 336, 143, 147, 149 and 427 of the Indian Penal Code(IPC) were registered against the applicant and other five accused persons. Today itself by a separate order, this Court has granted bail to one of the co-accused Sheikh Ashif in Criminal Application(BA)No.649 of 2019.

2. The learned counsel for the applicant points out that apart from bail granted to Sheikh Ashif, this Court had already granted bail to another co-accused person Sheikh Arif. It is further pointed out that in the present case, while the said co-accused persons were specifically named and certain role was attributed to

them in an incident that took place on 08.03.2019, insofar as the applicant is concerned, statement in the FIR is that one person from the village informed the police that the applicant and one Vilas Telang were also the part of the unlawful assembly, which had assaulted the police persons, leading to registration of the aforesaid FIR. The learned counsel states that the said Vilas Telang was already on bail granted by the Sessions Court.

3. Although, non-applicant State has filed reply and grant of bail to the applicant is opposed, considering the fact that in the FIR there is no specific role attributed to the applicant and it is merely stated that one person from the village had given the name of the applicant, as a member of the unlawful assembly, which assaulted the police, it appears that the present application deserves to be granted.

4. It is also relevant that the statement of the so called person of the village who had named the applicant has not been recorded during the course of investigation, although charge-sheet has been already filed on 08.05.2019. In view of the fact that co-accused persons Sheikh Arif and Sheikh Ashif have been granted bail by this Court, and it cannot be said that applicant played a major role in the said incident, he deserves to be granted relief. Although it is stated in the reply that the applicant is a habitual offender, details of the antecedents of the applicant are not placed on record. In any case, co-accused Sheikh Arif who also has criminal antecedents

has been granted bail by this Court by a separate order passed on 03rd June 2019, subject to conditions imposed upon him.

5. In view of the above, the present application is allowed and the applicant is directed to be released on bail in Crime No.157/2019 registered at Police Station, Shirpur, Dist.Yavatmal on following conditions :-

(i) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand) with a surety of like amount.

(ii) The applicant shall not enter within the limits of Police Station Shirpur, taluka Wani, district Yavatmal, during the pendency of the trial.

(iii) The applicant shall inform the trial Court about the place of his residence outside the limits of Police Station Shirpur, taluka Wani, district Yavatmal, during the pendency of the trial and he shall report once in a week i.e. on Monday before the Police Station in whose jurisdiction he chooses to reside during the pendency of the trial, between 10.00 a.m. and 5.00 p.m. If the applicant further changes his place of residence during the pendency of the trial outside the limits of Police Station Shirpur, taluka Wani, district Yavatmal, he shall inform the trial Court regarding the same and then report to the concerned Police Station in the aforesaid manner.

(iv) The applicant shall not tamper with the evidence or influence the witnesses.

(v) If it is found that the applicant has indulged in any activity in the future concerning violation of the provisions of Maharashtra Prohibition Act 1949 or any other Criminal Offence, the bail granted to the applicant shall stand cancelled.

6. The application is allowed in above terms. Needless to say, violation of any of the conditions above, shall lead to cancellation of bail granted to the applicant. It is made clear that the observations made in the present order are limited to the question of grant of bail to the applicant.

JUDGE

KOLHE