

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

CRIMINAL APPLICATION (BA) NO.934 OF 2019

Abdul Aslam s/o Abdul Jameel .Vs. State of Maharashtra, PSO, P.S.
Washim (City), Tah. and Dist. Washim.

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

Mr. T.S. Deshpande, Advocate for applicant.
Mr. J.Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 05, 2019

Heard Mr. Deshpande, learned counsel for the applicant and Mr. Ghurde, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

The applicant is arrested in connection with Crime No.392/2019 registered with Police Station, Washim (City), Dist. Washim for an offence punishable under Sections 302, 307, 326 read with Section 34 of the Indian Penal Code.

The report is lodged by Shaikh Samir. He is the brother of deceased i.e. Shaikh Sabbir. The report is lodged on 10.08.2019 itself in respect of the incident dated 10.08.2019. According to the report, a quarrel had taken place six months ago in between the applicant, two co-accused and deceased on account of playing cricket. According to report, on

the day of the incident when the deceased was proceeding to his house, the first informant was following him at that time applicant along with co-accused came on motorcycle. The applicant was plying the motorcycle. As per reply as well as the first information report, the deceased was assaulted by co-accused Shaikh Samir by means of stone and by co-accused Faraz by means of iron rod resulting into injuries due to which the deceased lost his life.

Though it is the submission of the learned Additional Public Prosecutor for the State that the investigation is in progress, however he fairly submits on instructions received from the investigating officer that the investigation is almost over and only formality of filing of the charge-sheet is remained to be done.

Looking to the fact that the applicant did not assault by means of any weapon and when the weapons are already seized, in my view, further custodial presence of the applicant is not necessary. Resultantly, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant- Abdul Aslam s/o Abdul Jameel be released on bail in connection with Crime No.392/2019 registered with Police Station, Washim (City), Dist. Washim for an offence punishable under Sections 302, 307, 326 read with Section 34 of the

Indian Penal Code, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Washim (City), Dist. Washim twice in a week i.e. on Thursday and Saturday of every week and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m., until culmination of the trial.

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

JUDGE

srwagh