

CRIMINAL BAIL APPLICATION NO. 2075 OF 2019

 V/s

The State of Maharashtra ...Respondent

.....
Ms. Misbaan Solkar i/b, Mr. Amin Solkar Advocate for the Applicant.
Mr. S. H. Yadav, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 17th February, 2020

PC :

1. This is an application for bail under Section 439 of Cr.P.C. in connection with C.R. No. I-172 of 2018 registered with Manmad City Police Station, Taluka Nandgaon, Dist. Nashik, for offences punishable under Sections 302, 120(B), 307, 324, 323, 452, 143, 147, 148, 149, 504, 506 & 427 r/w Section 34 of Indian Penal Code. The applicant was arrested on 14th October, 2018.
2. The prosecution case is that the deceased Sameer @ Papa Noor Shaikh was a Tea vendor at Manmad Railway Station. There was enmity between the nephew of the deceased and Ilias Sayyed, Irfan Sayyed, Imran Sayyed, and Ismail Sayyed over Tea vending business at Manmad Railway Station. On 20th September, 2018 at about 11.35

p.m. altercation took place between the parties. On 25th September, 2018 at about 10.00 p.m., Irfan, Imran, Wasim Bambaiwala, Jamir Sayyed entered into the house of the complainant and abused her. They dragged her husband out of the house. Irfan Sayyed, Imran Sayyed, Wasim Bambaiwala, Raju Sayyed, Ajju Sayyed, Samir Sayyed, Jamir Sayyed, Khalil Sayyed, Amajad Khan Karim Khan, Iqbal Tirewala, Jafer Sayyed, Salim Sayyad, Imran Khan Karim Khan, Soyeb Habib Shaikh, Bhaiya Salim Sayyed, Nadim Seth & 15 to 20 other persons who were armed with sticks, wooden logs, swords, chopper, iron pipe, and rod. All of them assaulted the complainants husband by weapons on his head and legs. Complainants nephew Arbaj Shaikh intervened, however he was assaulted by wooden logs and iron rod. The accused also caused damage to the property. They assaulted the people from the area caused damage to the vehicles. They created terror in the area. Thereafter they ran away from the place of incident. Hence, the FIR was lodged on 26th September, 2018.

3. The applicant was arrested and investigation proceeded. On completing investigation charge-sheet is filed. There are no criminal antecedents against the applicant.

4. Learned advocate for the applicant submitted that the

applicant is not named in the FIR. Although the witnesses have referred to some unknown persons, there was no Test Identification Parade qua the applicant. There are no antecedents against the applicant.

5. Learned APP submitted that the mob of several people had assaulted the husband of the complainant.

6. On perusal of charge-sheet it is apparent that the incident had occurred on 25th September, 2018. The complainant has referred to some known and unknown persons who had assaulted her husband. There is no identification of the applicant. The prosecution is also relying upon the statements of other witnesses. However, even they were not put up for identification parade to identify the applicant. The applicant has not been named by eye witnesses. The applicant is in custody from the date of 14th October, 2018. There are no criminal antecedents against applicant. Considering these circumstance, case for grant of bail is made out.

7. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2075 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in

connection with C.R. No. I-172 of 2018 registered with Manmad City Police Station, Taluka Nandgaon, Dist. Nashik, on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 a.m. to 1.00 p.m.
- iv) The applicant shall not tamper with the evidence;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)