

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

LD-VC-CRI APPLICATION (BA) NO. 981 OF 2020

(Mohd. Barqat s/o Riyazuddin Tigal vs. State of Maharashtra thr. PSO, PS, Sadar, Nagpur)

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

Court's or Judge's orders.

Shri A.C. Jaltare, Advocate for the applicant.
Shri P.S. Tembhare, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Jaltare, learned counsel for the applicant and Shri Tembhare, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested in Crime No. 282 of 2020, for the offence punishable under Sections 294, 307, 323 read with Section 34 of the Indian Penal Code, registered at Police Station, Sadar, Nagpur.

The prosecution case is that the informant viz., Rishubh Prakash Kare lodged a complaint with the Police Station on 11.06.2020 stating that on 10.06.2020 at 8.30 P.M., the informant along with his friend Aman Ramu Baksare (injured) were going together on a motorcycle and when they reached at around 10.30 P.M. near the Gaddigodam square, at

that time at Cafe square, four accused persons on two Activa motorcycles were going from Mangalwari square to Gaddigodam square by shouting and all the four accused persons abused the informant and his friend and assaulted them and fled away from the spot.

The friend of the informant got bleeding injury. He was taken to hospital and later on it was found that it was a stab injury of grievous nature on the left side of his chest. The injured in his statement stated that one of the accused assaulted on his chest by sharp edged object.

During investigation, on the basis of CDR and SDR, the applicant came to be arrested on 10.06.2020. It is stated that one of the accused is still absconding. The Test Identification Parade in this crime could not be conducted due to Covid-19 pandemic.

The learned counsel for the applicant submitted that the absconding accused Altaf Beg Mirza in this crime has surrendered before the trial Court. The learned counsel further states that nothing is seized from the present applicant and he has no criminal antecedents.

From perusal of the case diary which is produced by the learned APP, it appears that initially FIR was registered against unknown persons. There

is no specific role attributed to the present applicant. Nothing is seized at his instance. The prosecution could not point out any criminal antecedents against him.

In the given facts, I am inclined to release the applicant on bail and accordingly pass the following order :

Criminal Application is allowed. The applicant – Mohd. Barqat s/o Riyazuddin Tugal, be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside. He shall supply mobile number and residential address where he shall reside while on bail, to the concerned police station.

The applicant shall not pressurize or issue threats to the evidence.

The applicant shall not tamper with the prosecution witnesses.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Criminal Application is disposed of accordingly.

This order be communicated to the counsel appearing for the parties, either on email address or

on Whatsapp or by such other mode, as is permissible
in law.

JUDGE

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