

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

CRIMINAL APPLICATION (BA) NO. 880 OF 2020

Shaikh Sharique s/o Shaikh Quiyam Qureshi
Vs.
State of Maharashtra

WITH

CRIMINAL APPLICATION (BA) NO. 900 OF 2020

Shaikh Dastagir S/o. Shaikh Sheru Qureshi
Vs.
State of Maharashtra

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

Shri R.M. Daga, Advocate for the applicant in BA No. 880/2020
Ms. R.M. Mirza, Advocate for the applicant in BA No. 900/2020
Shri H.D. Dubey, A.P.P for the non-applicant/State in both
applications
Shri M.N. Ali, Advocate to assist the prosecution

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : DECEMBER 03, 2020.

Heard.

2. The applicants are said to be arrested in Crime No. 142/2020 registered with Police Station Patur, District Akola for the offences punishable under Sections 302, 504, 427 and 504 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Arms Act.

3. As per prosecution, there are four accused arrayed in this crime. Amongst them, one of the accused is juvenile. Two accused are before this Court.

4. Perused the application, affidavit-in-reply and the charge-sheet with the assistance of learned Counsel for both the parties. It appears that the incident is the outcome of quarrel between the informant and the accused persons on the ground of damage to seat cover of two wheeler. The role attributed to the present applicants is of assault by fists and blows. While the role attributed to the main accused-Shaikh Zubair Qureshi is that he assaulted the deceased with knife on his thigh and thereby inflicted one stab wound.

5. Considering the role attributed to the present applicants which is only to the extent of assault by means of fists ad blows and that too on pity issue of damage to seat cover, prima facie case for murder is not made out. The investigation is completed and charge-sheet is also filed, this Court is inclined to grant bail to the applicants. Hence, following order:

(i) The applicants – Shaikh Dastagir S/o. Shaikh Sheru Qureshi and Shaikh Dastagir S/o. Shaikh Sheru Qureshi be released on bail on executing Personal bond of Rs. 25,000/- each with one surety in like amount.

(ii) The applicants shall not enter the vicinity of the area where the witnesses reside.

(iii) The applicants shall not leave his local jurisdiction without prior intimation to the concerned police station.

(iv) The applicants shall not give threats to the witnesses or tamper with the evidence.

(v) The applicants to attend the 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.

(vi) Needless to say that the aforesaid observations are only for the purpose of deciding these applications and the same shall not come in the way of the trial Court to decide the trial.

6. The criminal applications are disposed of accordingly.

Civil Application (APPP) No. 1017/2020

This an application to assist the prosecution.

On due consideration, the same is **allowed** and disposed of accordingly.

JUDGE