

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

CRIMINAL APPLICATION (BA) NO. 1081 OF 2020

Riyaz Shah s/o Jabir Shah

Vrs.

The State of Maharashtra, thr. P.S.O., P.S. Anjangaon Surji, Tq. Anjangaon Surji,
Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.S. Khushalani, Adv. for the applicant.
Shri H.D. Dubey, APP for the non-applicant / State.

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**CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 18, 2020.**

CRIMINAL APPLICATION NO. 1414 OF 2020

Heard.

The application for grant of permission to
assist the prosecution is allowed.

The application is disposed of accordingly.

CRIMINAL APPLICATION (BA) NO. 1081 OF 2020

Heard.

2. The applicant is seeking bail in Crime No. 352/2020 registered at Police Station Anjangaon Surji, Tq. Anjangaon Surji, Dist. Amravati, for the offence punishable under Sections 302, 324, 294, 506 read with Section 34 of the Indian Penal Code.

3. The allegation against the present applicant is that he along with co-accused - his brother committed murder of deceased – Zafar Shah and also injured – the informant – Abrar Shah.

4. I have perused the application, affidavit-in-reply filed on behalf of the State and the charge-sheet with the assistance of learned counsel on behalf of both the sides.

5. At the outset, the role attributed to the present applicant is that he assaulted the informant with iron pipe during a quarrel between two families who are also relatives of each other and residing in the same locality.

6. It is alleged that during quarrel the present applicant and the co-accused – his brother brought iron pipes from their house. His brother assaulted the deceased and the present applicant assaulted informant on their heads. The deceased died of head injuries due to the assault with iron pipe by the co-accused – Zuber Shah. The injury certificate of the informant – injured shows one lacerated wound with hard and blunt object.

7. Considering the nature of injury and one single blow by the applicant to the informant which is mild in nature does not indicate any intention on the part of the applicant to commit murder. The incident is the outcome of the sudden quarrel between relatives who are residing in the same locality. The investigation is completed and the charge-sheet is also filed. Considering the role attributed to the present applicant, this Court is inclined to grant him bail. Hence, the following order :

(i) The applicant – Riyaz Shah s/o Jabir Shah shall be released on bail on executing Personal bond of Rs. 30,000/-

(Rs. Thirty thousand only) with one surety in the like amount.

(ii) The applicant shall not tamper with the evidence of prosecution witnesses.

(iii) The applicant shall not enter the vicinity of the area where the witnesses reside.

(iv) The applicant to attend the concerned police station once in a month i.e. on every first Monday of the month between 12.00 noon and 2.00 p.m.

8. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

9. The criminal application is disposed of accordingly.

JUDGE