

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

CRIMINAL APPLICATION [BA] NO. 445/2021.

Aman Anwar Khan

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.S. Jaiswal, Advocate for the Applicant.
Shri M.K. Pathan, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 07, 2021.

Heard learned Counsel for the parties
through video conference.

2. The applicant – Aman Anwar Khan seeks regular bail on account of parity and other usual grounds. He came to be arrested in connection with Crime No. 358/2020 registered with Kanhan Police Station, District Nagpur for offence punishable under Sections 307, 333, 353, 143, 147, 148, 149, 186 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

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3. At the instance of report lodged by Police Constable Vishal Shambharkar on 16.09.2020, a crime came to be registered. The informant learnt the happenings from the injured constable namely – Ravindra Chaudhari about the deadly assault which he faced. It was alleged that the co-accused Kamlesh Meshram by means of knife has repeatedly assaulted the injured Ravindra. At that time other assailants, including the applicant Aman Khan also assaulted the injured Ravindra by means of fists blows and kicks.

4. Except main accused Kamlesh Meshram rest of the assailants appears to be released on bail. Particularly co-accused Kapil Rangari was released on bail by this Court vide order dated 17.03.2021 of which parity has been claimed. Perusal of the statement of injured discloses that at the time of occurrence the main accused Kamlesh Meshram arrived on the spot by his car, and started quarreling with the injured. The applicant and other co-accused were present

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on the spot and beat the injured by means of fists blows and kicks. At that time Kamlesh and applicant chased the injured on which Kamlesh dealt knife blows on the person of the injured. The role ascribed to the applicant is that of assaulting by means of fists blows and kicks. It is not the case that all the assailants arrived together and then the main accused assaulted by means of knife.

5. The prosecution has pointed out certain antecedents. However, those relate to the offences under the Prevention of Gambling Act. Already investigation is complete and charge sheet is also filed. Having regard to the nature of accusation leveled against the applicant, he cannot be detained in jail for indefinite period. In the circumstances, the applicant is entitled to grant of bail, hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant – Aman Anwar Khan be released on regular bail in connection with Crime No. 358/2020 registered at Kanhan Police Station, District Nagpur

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for offence punishable under Sections 307, 333, 353, 143, 147, 148, 149, 186 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (iii) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Rgd.