

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 482 OF 2021

Sheikh Noorkalam s/o Rehaman Sheikh

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri Y.Y. Humne, Advocate for applicant.

Shri I.J. Damle, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 09/08/2021

In anticipation of arrest in Crime No.10 of 2020 registered with Nandanvan Police Station, District Nagpur for the offence punishable under Sections 141, 143, 147, 148, 149, 307, 326 and 504 of the Indian Penal Code, the applicant is claiming for pre-arrest bail.

2. The non-applicant/State resisted bail by filing affidavit-in-reply and pointing towards seriousness of crime.

3. A perusal of First Information Report discloses that some named assailants have assaulted the informant and his friend Samsher Khan, by means sword. In later part of the report, it has been stated that three unknown persons also accompanied the main accused and they beated Samsher Khan by means of sticks and stones.

4. Perusal of case diary discloses that similarly it is the statement of injured Samsher Khan regarding assault by three unknown persons. Though injury certificate of Samsher Khan is produced, the first part of First Information Report says that the named accused have assaulted him. There appears to be general allegations against three unknown persons. Only in supplementary statement, injured says that the applicant is one of the unknown assailant. No test identification parade has been conducted nor any material is brought to show that the applicant was identified at the time of occurrence. The investigation is complete and charge-sheet has been filed. Having regard to all these facts, the applicant's liberty can be protected. In view of that, following order is passed :

- (a) The application stands allowed.
- (b) In the event of arrest the applicant Sheikh Noorkalam s/o Rehaman Sheikh in Crime No.10 of 2020 registered with Nandanvan Police Station, District Nagpur for the offence punishable under Sections 141, 143, 147, 148, 149, 307, 326 and 504 of the Indian Penal Code, be released on bail on his furnishing P.R. bond of Rs.25,000/- with one surety in the like amount.

- (c) The Applicant/accused shall attend concerned Police Station on every Sunday in between 11.00 am to 02.00 pm for the period of six months from today.

JUDGE

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