

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 1209/2020
(1. Rakib s/o Sagir Ahemad Siddiqui and another vs. The State of
Maharashtra :Th. PS Padoli Tah. & Dist. Chandrapur)

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

Court's or Judge's order

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 Mr. S.V. Sirpurkar, Advocate for the applicants
 Mr. S.A. Ashirgade, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 27th January, 2021

The applicants have filed the present Application under section 439 of the Code of Criminal Procedure, seeking bail for offence punishable u/ss. 353, 307, 504, 506, 269, 270, 188 r/ws. Section 34 of the Indian Penal Code and Sections 3,4 and 25 of the Indian Arms Act, registered at Police Station Padoli, Dist. Chandrapur, in respect of Crime No.139/ 2020.

It is the case of the prosecution that on 20.07.2020 at about 7.30 pm, the police found both the applicants in a four-wheeler. When the Police had asked them to stop, they tried to flee away. However the police succeeded to stop the vehicle. The applicant no.2-Shahrukh took out the knife and pointed it towards the police. The applicants too threatened the police and abused them. The applicants came to be apprehended on 21.07.2020, they were found with four cartridges, one *desi katta*, one sword and some other

articles.

The learned Advocate for the applicants submitted that the police had already taken charge of the articles at the place of incident only and now nothing is to be recovered from them.

Learned APP opposed the Application contending that there are offences registered against both the applicants.

Considering the nature of offence and the manner in which the incident had taken place and also considering that the articles were already seized by the police, and the charge-sheet has been filed, I am of the opinion that the applicants can be released on bail by imposing certain conditions . Hence the order :-

ORDER:

The applicants- (1) Rakib Sagir Ahmad Siddiqui, and (2) Shahrukh Aslam Shaikh, be released on bail for offence punishable under sections 353, 307, 504, 506, 269, 270, 188 r/ws. Section 34 of the Indian Penal Code and Sections 3,4 and 25 of the Indian Arms Act, registered at Police Station Padoli, Dist. Chandrapur, in respect of Crime No.139/ 2020 on their executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) each, with one or two solvent sureties in the like amount, on the following conditions :-

(i) They shall attend the concerned Police Station twice in

a month i.e. every 1st Saturday and 3rd Saturday, between 11.00 and 2.00 pm, till the trial commences.

(ii) They shall provide their residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer and shall cooperate with them.

(iii) They shall not tamper with the prosecution witnesses in any manner.

(iv) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

(v) Any observations made in this order are only for granting bail to the applicants and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

sahare