

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

CRIMINAL APPLICATION (BA) NO. 12 OF 2021

(Irfan Jafari S/o Sabarali Jafari Vs. 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
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Mrs. Swati Kolhe, Advocate for the applicant.
 Shri Amit Chutke, A.P.P. for the non-applicant /State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 25th JANUARY, 2021.

Heard Mrs. Swati Kolhe, the learned counsel for the applicant and Shri Amit Chutke, the learned APP for the non-applicant/State.

2. By this application, the applicant is seeking regular bail in Crime No. 483/2020 registered at Police Station Katol, Dist. Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

3. The allegations are that while the quarrel was going on, the applicant assaulted victim on his head by means of base ball stick and the co-accused assaulted victim by means of brick. Thereafter, the complaint was lodged in the police Station.

4. Mrs. Kolhe the learned counsel for the applicant contended that the applicant is in jail since August 2020. The investigation is over and the charge-sheet has been filed. So also, the co-accused has

been released on bail.

5. Shri Chutke, the learned APP opposed the said application, contending that the applicant is having criminal antecedent to his discredit.

6. After hearing both the sides and on a perusal of the reply as well as the copy of the charge-sheet, it appears that the applicant is behind bars since August 2020. So also, the charge-sheet has been filed in the present case. The Medical Report indicates single injury on the head of the victim. So also, the co-accused has been released on bail. In my considered opinion, keeping the applicant behind bars would not serve any purpose.

7. In view of the above facts and circumstances, the applicant can be released on bail on imposing certain conditions. Hence, the following order.

ORDER

- i. The Criminal Application is **allowed**.
- ii. The Applicant – Irfan Jafari S/o Sabarali Jafari, be released on bail in Crime No. 483/2020 registered at Police Station Katol, Dist. Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.

- iii. The Applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.
- iv. The Applicant shall attend the concerned police station on second and fourth Saturday of the month in between 11.00 a.m. to 2.00 p.m.
- v. The Applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in such type of offence, the prosecution will be at liberty to move for cancellation of bail.
- vi. The Applicant shall keep himself away from the limits of area where the victim and other witnesses are residing.
- vii. The Applicant shall not change the place of residence without prior intimation to the concerned police station.
- viii. The Applicant shall attend the dates of hearing regularly in the trial court.
- ix. His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

8. Criminal Application stands **disposed** of accordingly.

9. In view of disposal of the present application, pending Criminal Application (APPP) No. 8/2021 does not survive. The same stands disposed of accordingly.

(MRS. SWAPNA JOSHI, J.)

SD. Bhimte