

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

CRIMINAL APPLICATION (BA) NO.380 OF 2022

Shaikh Mohin Shaikh Ayub

Versus

State of Maharashtra, through P.S.O., P.S. Janephal, Tah. Mehakar, Dist. Buldhana

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

Court's or Judge's Order

Shri R.S. Kurekar, Advocate for the applicant.

Shri H.D. Dubey, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/06/2022

1. The applicant is seeking bail in Crime No.329 of 2021, dated 09.10.2021, registered with Police Station Janephal, District: Buldhana, for the offences punishable under Sections 143, 147, 148, 149, 324, 307, 504 and 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. Shri Kurekar, learned counsel for the applicant submits that out of seven accused persons, four accused persons have already been released on bail. Thus, the applicant is entitled for parity.

3. It is submitted that after completion of investigation, the charge-sheet has been filed and as such, further custody of the applicant is not necessary.

4. The learned counsel for the applicant further submits that there are counter FIRs. The complainant and

accused persons are close relative and the incident took place out of matrimonial dispute. He accordingly, prays for grant of bail.

5. On the other hand, Shri Dubey, learned APP opposes the present application and submits that injury report supports the prosecution case and as the offence is serious, the present application may be rejected.

6. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

7. The charge-sheet shows that the investigation is completed and custody of the applicant is not necessary. Moreover, out of seven accused persons, four accused persons have been granted bail. The applicant is in jail since 23.10.2021, i.e. from last eight months. It appears that the applicant and the complainant are close relative and quarrel took place out of matrimonial dispute.

8. There is nothing to show that there is any possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial, if bail is granted. In that view of the matter, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No. 329 of 2021, registered with Police Station Janephal, District: Buldhana, for the offences punishable under Sections 143, 147, 148, 149, 324, 307, 504 and 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- f) The applicant shall not enter into the vicinity of Uti, Tq. Mehkar, Dist. Buldhana.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]