

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

CRIMINAL APPLICATION (BA) NO.585 OF 2022

Mohd Nadim S/o Mohd Shamim @ Anna Shammu Saheb

Versus

State of Maharashtra, through P.S.O., P.S. Paratwada, Dist. Amravati

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

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 23/06/2022

1. The applicant is seeking bail in Crime No.386 of 2019, dated 30.09.2019, registered with Police Station Paratwada, District: Amravati (Rural), for the offences punishable under Sections 302, 143, 147, 148, 149, 201 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. Shri Ali, learned counsel for the applicant submits that he is seeking bail on parity as well as on merit.

3. It is submitted that the accused persons who have assaulted by knife and koyta, they have been released on bail. Whereas, no role is attributed to the applicant, except that he was present at the spot.

4. He further submits that after completion of investigation, charge-sheet has been filed and as such, custody of the applicant is not necessary.

5. On the other hand, Shri V.A Thakare, learned APP strongly opposes the present application and submits that the applicant was absconding for two years and this fact is sufficient to say that the applicant will not be available for trial, if he is released on bail.

6. In reply, the learned counsel for the applicant submits that this Court may imposed stringent conditions like attending the concerned Police Station on every day and a single default, will entail cancellation of bail.

7. I have perused the charge-sheet.

8. *Prima facie*, no role is attributed to the applicant and the persons to whom the role is attributed or who have used weapon knife or koyta in the alleged offence, they have already been released on bail.

9. As far as, the fact that he was absconding, it is possible that because of fear of arrest, he was absconding. However, looking to his role in the alleged offence, I am of the opinion that the applicant should be released on bail on

some stringent condition. 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.386 of 2019, registered with Police Station Paratwada, District: Amravati (Rural), for the offences punishable under Sections 302, 143, 147, 148, 149, 201 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 on every day between 07.00 p.m. to 08.00 noon, for next one year and thereafter, once in a week of every Friday till the culmination of the trial.
- d) If the applicant commits any default, the liberty is granted to the State to apply for cancellation of bail.
- e) The applicant shall not tamper with the prosecution witnesses.

- f) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]