

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

Criminal Application (BA) No. 876 of 2022

Mohammed Wasif S/o Mohammed Hanif

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Shendurjana Ghat (She Ghat), Tahsil Warud, District Amravati

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

Court's or Judge's Order

Shri A.K.Choube, Advocate for the applicant.

Shri Amit Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0310 of 2021 registered with Police Station Shendurjanaghat (She. Ghat) Tahsil Warud, Dist. Amravati for the offence punishable under Sections 302, 201, 364, 120-B read with Section 34 of Indian Penal Code.

2. Shri Choubey, learned counsel for the applicant submits that, the whole case is based on circumstantial evidence and there is nothing to show that the applicant played any role in the alleged offence.

He further submits that, he has been falsely implicated in the alleged offence. He further submits that chargesheet has been filed and further custody of the applicant is not necessary.

3. He lastly argues that applicant is entitled for grant of bail on the principle of parity as the main accused and one more co-accused have been already released on bail.

4. On the other hand, learned Additional Public Prosecutor has strongly opposed the application.

5. I have perused the chargesheet, First Information Report and the orders passed by this Court and the Sessions Court, granting bail to the co-accused.

6. The learned trial Court has granted bail to the main accused Saddam Hussain on 6th August, 2022. Whereas, this Court granted bail to the co-accused Nawaz Khan vide, order dated 8th July, 2022.

7. The only allegations against the applicant was that, he was driver, who took Saddam Hussain alongwith main accused from Prayagraj to Amravati and he was present at the time of incident.

8. In this case, the investigation is over and the chargesheet has been filed. Thus, considering the role of the applicant and the fact that the main accused and the co-accused have already been released on bail, I am

of the opinion that the applicant is entitled for grant of the bail on parity. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 0310 of 2021 registered with Police Station Shendurjanaghat (She. Ghat) Tahsil Warud, Dist. Amravati for the offence punishable under Sections 302, 201, 364, 120-B read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;
- iii. The applicant shall attend the concerned police station on 1st day of every month between 5 pm to 6 pm till the culmination of the trial;
- iv. The applicant is further directed to attend each and every date of trial, unless exemption is granted;
- v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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