

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

CRIMINAL APPLICATION (BA) NO.963 OF 2022

Mohammad Khizar S/o Shaikh Husnoddin .Vs. State of Maharashtra, through P.S.O.,
P.S. Barshitakli, Dist. Akola

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

Court's or Judge's Order

Shri R.M. Daga, Adv. a/w Shri N.R. Tekade, Adv. for the applicant.
Ms K.L. Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 05/09/2022

1. The applicant is seeking bail in Crime No.306 of 2021, dated 25.05.2021, registered with Police Station Barshitakli, District: Akola, for the offences punishable under Sections 302, 307, 324, 326, 143, 147, 148, 188 and 504 of the Indian Penal Code and Sections 25(3) and 25(4) of Arms Act.

2. Shri Daga, learned counsel for the applicant submits that in the alleged incident one person died and another was injured. He has drawn attention to the statements of the witnesses and submits that the applicant is not the author of the injuries which were the cause of death of the deceased. He submits that the co-accused who are the author such injuries, are released on the bail.

3. Shri Daga, learned counsel for the applicant submits that the only allegations against the applicant is that initially he fired the pistol and in the same, nobody was injured. However, in subsequent firing, accidentally one

lady Sultana got injured. In the above referred backdrop, he prays for grant of bail.

4. On the other hand, Ms Deshpande, learned APP strongly opposes the present application and submits that the offence is very serious and considering the severity of punishment, this Court may not grant bail to the applicant.

5. I have perused the charge-sheet and the application.

6. In this case, one Mohd. Shakib is the deceased. Looking the post mortem report and cause of death coupled with the role attributed to the accused persons *prima facie*, it is clear that the applicant is not the author of the injuries which are the cause of death of the deceased.

7. Out of 13 accused persons, 10 are released on bail, including those who are responsible for the death of the deceased- Mohd. Shakib. In the circumstances, considering the role attributed to the applicant, I am of the opinion that the applicant is entitled for grant of bail.

8. Moreover, as the investigation is completed and the charge-sheet has been filed, 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.306 of 2021, registered with Police Station Barshitakli, District: Akola, for the offences punishable under Sections 302, 307, 324, 326, 143, 147, 148, 188 and 504 of the Indian Penal Code and Sections 25(3) and 25(4) of Arms 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 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]