



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

CRIMINAL APPLICATION (BA) NO. 925 OF 2023

Fardeen Khan s/o. Yakub Khan

.Vs.

The State of Maharashtra, through Police Station Officer P.S. Tahsil, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri C.R. Thakur, Advocate for the applicant

Shri Abhijit Mate, APP for State

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st NOVEMBER, 2023.

1. By this application, the applicant is seeking regular bail in Crime bearing No. 125/2023 registered with Tahsil Police Station District Nagpur City for the offences punishable under Sections 302, 143, 147, 148, 149, 201 and 120 (B) of the Indian Penal Code, 1860.

2. It is prosecution case that accused Nos.1 to 5 committed murder of deceased Parvez Yakub Khan, friend of first informant, on account of previous enmity for money transaction.

3. The role attributed to the present applicant is to keep watch on people in that lane at the time of incident and applicant had destroyed the clothes worn by

accused No.1 at the time of incident.

4. It is the contention of learned counsel for the applicant that applicant has been falsely implicated in this case. He was not present on the spot of incident. Accused No.2, who was allegedly present at the time of incident, has been released on bail by this Court (Coram:- Urmila A. Joshi-Phalke, J.) vide order dated 27.07.2023. The applicant is behind bar for more than eight months. Investigation is completed. Charge-sheet has been filed. Hence requested to allow the application.

5. It is the contention of learned APP that applicant had conspired with co-accused to kill the deceased. The role assigned to applicant was to keep watch on the people when accused Nos.1 to 5 assaulted the deceased. After the incident, the applicant had destroyed the shirt worn by accused No.1 at the time of incident. There is *prima-facie* case against the applicant. Hence requested to reject the bail application.

6. I have heard both learned counsel for the parties and perused the First Information Report and charge-sheet.

7. It is alleged that applicant had kept watch on people in that lane at the time of incident, when accused Nos.1 to 5 assaulted the deceased. Witness Suraj Yadav has stated that he and applicant were roaming on motor cycle and accused Nos.1 to 5 met them. It appears that applicant was not part of the group, who assaulted the deceased. Moreover, accused No.2 has been released on bail by this Court against whom allegations are that he was present at the spot of incident. The applicant is behind bar for more than eight months. Investigation is completed. Charge-sheet has been filed. Considering the allegations against the applicant, I am inclined to allow the application. Hence, I pass the following order:-

- i) Criminal application is allowed.
- ii) Applicant- **Fardeen Khan s/o Yakub Khan** be released on bail in Crime No.125 of 2023, registered with Police Station Tahsil, District: Nagpur on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

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

(SHIVKUMAR DIGE, J.)

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