

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

903. CRI.APPLN/2598/2015 In CRI.APPLN/27/2015 WITH
CRI.APPLN/3016/2015 In CRI.APPLN/2598/2015

TABRZKHAN S/O RAHEMANKHAN DURRANI AND ANOTHER
V/S
THE STATE OF MAHARASHTRA

Mr. Rajendra S. Deshmukh, Advocate for applicants.

Mrs. R.K. Ladda, APP for State.

Mr. S.J. Salunke, Advocate for assisting APP.

CORAM : T.V. NALAWADE, J.

DATED : 15th July, 2015.

ORDER :

1. The application is filed for cancellation of condition imposed by this Court while granting bail in Criminal Application No. 27/2015. The crime is registered against the applicants under section 307, 149 etc. of I.P.C. While granting bail, this Court has imposed condition that applicants are not to enter Pathri town till the disposal of the case which can be filed against them. However, they were allowed to enter Pathri to attend the cases filed against them in Pathri Court and there are some cases mentioned by the State in the reply. Both the sides are heard. Learned counsel Shri. S.J. Salunke was allowed to assist the learned APP.

2. The father of the applicant is M.L.C. and he belongs

to one political party which was in power till the recent elections of legislative council. There were serious allegations against him of influencing the authorities including the higher rank police officers and there were allegations that he was responsible for transfer of police officer of I.P.S. rank, who was not cooperating him. Similarly, there were allegations that they managed the things in such a way that after their arrest, they were kept in hospital and not in jail for around 22 days. In view of these circumstances, this Court had given some directions and they were kept behind bars for more than three weeks and then this Court granted bail. This Court has considered the M.L.C. in respect of injured and the injuries were not that of serious nature. Only due to the conduct of the applicants and their father, some steps were taken by this Court.

3. Almost four months have expired after imposing the conditions on applicants by this Court. The report of police shows that the things which had happened in the past are only mentioned and there is no mention about any untoward incident which could have happen after February 2015. Applicant Nos. 1 and 2 are Municipal Council members. In view of these circumstances and particularly when the political party to which the applicants and the father are belonging is not in power, a

query was made by this Court and the learned APP was asked as to why police machinery should not be able to control them. As no untoward incident has taken place from February 2015 and as there are aforesaid circumstances and as the applicants are members of Municipal Council, this Court holds that opportunity needs to be given to the applicants to show that they have improved conduct. If any untoward incident takes place in future, there will be liberty to the State to come to this Court again.

4. In the result, the application is allowed. Only the condition that 'not to enter Pathri town' is hereby cancelled.

5. The application filed for assisting the learned APP is allowed and disposed of.

[T.V. NALAWADE, J.]

ssc/