

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

CRIMINAL APPLICATION (ABA) NO.708/2015

Shakil Jamal Shaikh Fakru and others

..Versus..

The State of Maharashtra, through P.S.O., P.S. Yavatmal (City), Distt. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 12.4.2016

Heard Shri S.V. Sirpurkar, advocate for the applicants and
Shri A.D. Sonak, A.P.P. for the non-applicant.

The learned advocate for the applicant states that as the
applicant no.3 was not granted interim protection he has
surrendered and, therefore, the application filed on his behalf does
not survive. The application on behalf of applicant no.3 is
disposed of accordingly.

The applicants 1 and 2 apprehend arrest in crime registered
against them and other accused for the offence punishable under
Sections 302, 143, 147, 148, 149 and 504 of the Indian Penal
Code.

The applicant no.1 is aged about 62 years and applicant
no.2 is aged about 65 years.

The charge-sheet is filed. The non-applicant has not been able to show that the custody of applicants is required for further investigation. By order dated 28th December, 2015 the applicants 1 and 2 are granted interim protection. It is not the case of the non-applicant that the applicants have misused the liberty. Considering the facts on the record, in my view, the interim order passed in favour of the applicants 1 and 2 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.452/2015 registered by the non-applicant, the applicants 1 and 2 be released on bail on furnishing P.R. Bond for Rs.50,000/- (Rs. Fifty Thousand Only) each with two solvent sureties in the like amount for each of the applicant.
- (ii) The applicants 1 and 2 shall attend the sessions trial regularly. In default on the part of the applicants 1 and 2 to attend the sessions trial on any date, without seeking exemption from the Sessions Court, this order shall stand revoked.
- (iii) The application of applicants 1 and 2 is **allowed** in the above terms.

JUDGE