

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

CRI. APPLICATION (BA) NO. 361 OF 2017

(BURHAN KHAN INAYAT KHAN PATHAN & ANR...VS.. STATE OF MAH. THR. P.S.O. MALEGAON,
DISTT. WASHIM)

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 21, 2017.

Heard.

The applicants are arrested on 5th March, 2017 in crime registered against them for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 4(i)(1)(L)(S) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Investigating Agency suspects that the applicants have murdered the deceased because of dispute over money. The case of the Investigating Agency is based on circumstantial evidence.

The applicants have stated that they are not involved in any other crime / offence. The investigation is complete and charge-sheet is filed on 2nd June, 2017. The non-applicant has not been able to show that the custody of the applicants is required for further investigation.

Considering the facts of the case, following order is passed :

The applicants having been arrested in Crime No.59/2017, registered by the non-applicant, they be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand each and on furnishing two solvent sureties in the like amount for each of the applicant.

The applicants shall attend the trial before the Sessions Court on every date unless granted exemption by the Sessions Court.

The application is **allowed** in the above terms.

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CRI.APPLN.(APPP) NO.1021/2017

DATE : 23.6.2017.

This order was dictated in open Court, however, while transcribing, the Private Secretary noticed that Section 4(i)(1)(L)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as referred in the prayer clause in the application is not shown in the Act. Therefore, before the order was signed Shri S.V. Sirpurkar, Advocate and Shri N.R. Patil, A.P.P. were called.

After verification of the record, it transpired that Section 4(i)(1)(L)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is shown in the case papers of investigating agency. The applicant has filed Miscellaneous Criminal Application (APPP) No.1021/2017 seeking leave to correct the prayer clause.

Be that as it may, the provisions / sections reflected in the prayer clause and the application filed by the applicant or shown in the case papers with the investigating agency will not be of so much relevance in the present case as the applicant is granted bail from arrest in Crime No.59/2017 registered by the non-applicant.

The application is **allowed** accordingly.

JUDGE

Tambaskar.