

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

CRIMINAL APPLICATION (ABA) NO.79/2018

Salman Khan s/o Saifullah Khan

..vs..

The State of Mah., thr. PSO PS Telhara, District Akola

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

Court's or Judge's Order

.....
Shri R.M. Daga, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 20, 2018.

1. Heard learned counsel Shri R.M. Daga for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. The present application is moved by the applicant for his pre-arrest bail in connection with Crime No.281/2017 registered against him with Police Station Telhara, District Akola for the offences punishable under Sections 147, 148, 149, and 307 of the Indian Penal Code.

3. For incident that took place on 12.11.2017 at about 20:30 hours, two FIRs are filed. Occurrence of incident is not in dispute. Even, prelude for occurrence of incidents in both the FIRs is also not in dispute.

4. Learned counsel Shri R.M. Daga for the applicant

submits that in respect of incident, First Information Report (FIR) was lodged on 13.11.2017 in respect of injury of one Hafiz Khan at the hands of Abdul Muttahir Abdul Kadir and his son Abdul Athahar.

5. The present application arises out of Crime No.281/2017, which was lodged by Abdul Muttahir Abdul Kadir who is one of accused in respect of assault made on Hafiz Khan. This particular FIR is lodged on 26.11.2017.

6. As per the FIR, the role attributed to the applicant is that he assaulted on Abdul Athahar by means of hockey stick. It is also stated in the FIR that co-accused assaulted by means of iron rods in their hands.

7. Though Abdul Muttahir Abdul Kadir, first informant in Crime No.281/2017 states that he was also assaulted by accused when he tried to intervene in the attack made on his son Abdul Athahar, from the FIR it is explicitly clear that he has not attributed any role in respect of assault made on him.

8. Both FIRs show that cause for this scuffle in between two groups is the dispute in respect of boundary of their agricultural fields.

9. Learned Additional Public Prosecutor Shri T.A. Mirza for the State submits that the applicant has scrupulously followed the conditions imposed upon him while granting him *ad interim* anticipatory bail. He further submits from the oral instructions, which are given to him by the investigating officer, who is personally

present in the Court, that the applicant has already been interrogated and hokey stick, which is alleged to have been used by the applicant, is already seized.

10. In view of the fact that the incident has occurred in a scuffle between two groups; the applicant has already followed the conditions scrupulously imposed upon him, and the weapon is already seized, in my view, custodial presence of the applicant is not necessary. That leads me to pass the following order:

ORDER

(a) The criminal application is allowed.

(b) In the event of arrest of applicant-Salman Khan s/o Saifullah Khan, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.281/2017 registered against him with Police Station Telhara, District Akola for the offences punishable under Sections 147, 148, 149, and 307 of the Indian Penal Code.

(c) The applicant shall attend the police station as and when he is called by the investigating officer. However, for that the investigating officer shall give a clear-cut 48 hours written communication to the

applicant.

(d) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(e) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-