

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

Criminal Application [ABA] No.287 of 2018

Asif Abdul Rahuf Soudagar and others

vs.

State of Maharashtra, through P.S.O. Dharni, District Amravati

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

Court's or Judge's Orders

*Shri A.S. Kilor, Advocate for the Applicants.
 Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant-State.*

CORAM : S.B. SHUKRE, J.
DATE : 24th APRIL, 2018.

Heard.

Issue notice to the non-applicant/State.

The learned A.P.P. waives service of notice on behalf of the State and files on record reply of the prosecution.

Perused the F.I.R. and the reply of the prosecution. The reply of the prosecution does not reveal any incriminating material against these applicants. The F.I.R. has been registered against these applicants purely on the basis of suspicion. But it is seen that there is no reasonable basis for registration of this crime.

It is stated in the reply that these applicants did not turn up at the Police Station along with the interim anticipatory bail order and the order was sent to the Police Station through their Advocate and in the opinion of the Investigating Officer, this amounted to violation of the terms of *ad interim* bail granted to these applicants.

The copy of the order granting *ad interim* anticipatory bail has not been filed on record by the

prosecution along with the reply. However, it is made available for my perusal by the learned Counsel for the applicants. It only says that Hamdast allowed thereby meaning copy of the bail order could be delivered at the Police Station by the applicants in person or their duly authorised representative. There is another condition mentioned in the order and it clearly says that the applicants would be required to attend the Police Station only when they are called by the Investigating Officer. Obviously, there is no breach of the terms and conditions of the interim anticipatory bail order. Reply of the prosecution does not say that the Investigating Officer had summoned these applicants and they disobeyed the same.

In view of the above, I am inclined to allow the application.

The application is allowed and it is directed that in the event of arrest of the applicants in Crime No.122/2018 registered with Police Station Dharni, District Amravati, the applicants be released on bail on each of their furnishing a P.R. Bond of Rs.20,000/- together with one solvent surety in the like sum on the following conditions :

- i. The applicants shall attend the concerned police station as and when required by the Police.
- ii. They shall co-operate with the Investigating Officer in the investigation of the case.
- iii. They shall not tamper with the prosecution witnesses in any manner.

The application is disposed of.

JUDGE