

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

Criminal Application (BA) No.450 of 2019

**(Salman Khan Hasan Khan and another .vs. State of Maharashtra through
 PSO PS Ramdaspath, Akola.)**

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

Court's or Judge's orders.

Mr. N.R. Tekade, Advocate for Applicant
 Mr. A.D. Sonak, APP for Non-applicant/State.

CORAM : Manish Pitale, J.

DATED : June 27, 2019.

In this application, the applicants have sought bail in respect of offences registered against them under sections 354, 354(A), 323, 504, 506 read with 34 of the IPC and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is contended on behalf of the applicants that the report leading to registration of FIR against them is nothing but a counter blast to an earlier FIR registered at the behest of the mother of the applicants against the relatives of the complainant in the present case. It is pointed out that while the FIR registered at the behest of their mother was dated 24.04.2019, the FIR in the present case in which the applicants have been shown as accused was registered thereafter on 25.04.2019, supporting the contention raised on behalf of the applicants that it was nothing but a counter blast.

3. In fact, while issuing notice on 04.06.2019, this Court granted interim bail to the applicants, during

the pendency of the present application, in the following manner:-

“In the meanwhile, the applicants /accused shall be released on interim bail on their furnishing P.R. bond of Rs.10,000/- each with surety in the like amount. The applicants shall not tamper with the evidence or influence the witnesses during the pendency of the present application.”

4. Reply to the present application has been filed on behalf of the non-applicant/State and it is stated that there are indeed counter FIRs in the present case between the parties. It is further contended that if the applicants are released on bail, there is possibility of the applicants threatening the witnesses because the complainant as well as the accused reside in the same locality.

5. In view of the admitted fact that the FIR against the applicants herein was registered after the earlier FIR registered at the behest of their mother, a case for grant of bail is made out by the applicants. Hence the present application is allowed and interim bail granted in favour of the applicants is confirmed on the conditions specified in order dated 04.06.2019, with an additional condition that the applicants shall report to Police Station Ramdaspath, Akola, once a week i.e. on Sunday between 10 a.m. and 5 p.m. They shall not threaten the witnesses and they shall cooperate with the investigating agency.

JUDGE