

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

Criminal Application (ABA) No.467 of 2019

Raju Khan Mujib Khan and others

Vs.

State of Maharashtra

and

Criminal Application (ABA) No.468 of 2019

Salim Khan Abdulla Khan and others

Vs.

State of Maharashtra

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

Court's or Judge's orders

Mr. R.J.Shinde, Advocate for the applicants.
Mr.H.R.Dhumale, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 8, 2019

The applicants in these two applications have approached this Court apprehending arrest in connection with FIR dated 23.5.2019. The said FIR came to be registered against them under Sections 395, 354, 341, 336, 147, 148, 149, 324, 323 and 504 of IPC. The FIR has been registered against large number of persons other than the applicants also. In the order dated 11.7.2019, while granting ad-interim protection to the applicants, this Court has made the following observations:

“It is pointed out by the learned counsel for the applicants that although they are named in the FIR and that is the only reason why the Sessions Court rejected grant of anticipatory bail to them while granting relief to other persons, a perusal of FIR shows that there is no specific role attributed to the applicants herein.

It appears that the FIR has been launched pursuant to a quarrel that seems to have taken place when the marriage procession was proceeding from an area where the applicants and other accused persons reside.

Since specific role does not seem to be attributed to the applicants herein, a case for grant ad-interim protection is made out.

Hence, in the event, the applicants are arrested in Crime No. 307 of 2019, registered at Police Station Jalgaon Jamod Dist. Buldhana, they shall be released on bail on furnishing PR bond of Rs.15,000/- each and surety in the like amount. The applicants shall attend Police Station Jalgaon Jamod Dist. Buldhana once in every week i.e. on Sunday between 10:00 AM to 5:00 PM. The applicants shall co-operate with the investigation. They shall not tamper with evidence or influence the witnesses”.

As noted in the above quoted portion of the order, the incident in the present case appears to have taken place in pursuance of quarrel when the marriage procession was proceeding in a area where the applicants and the other co-accused persons reside. It

also appears that no specific role has been attributed to the applicants.

In the reply filed on behalf of the non-applicant/State also, there does not appear to be any specific reason for custodial interrogation of the applicants, other than stating that certain recoveries were yet to be made from the accused persons.

Considering the nature of the incident in the present case and the fact that applicants do not seem to have been criminal antecedents, present applications deserve to be allowed. Accordingly, the applications are allowed and the applicants are granted anticipatory bail by confirming ad-interim protection granted by order dated 11.7.2019. Needless to say that the applicants shall continue to co-operate with the investigation and instead of attending the police station once in a week, as directed in the order dated 11.7.2019, they shall make themselves available before the investigating Officer as and when required.

JUDGE