

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

CRIMINAL APPLICATION (ABA) NO.471/2019

Inayat Kha Miya Kha Patel and anr. .vs. State of Maharashtra, through PSO
P.S. Akot (Rural), Tq. Akot, Dist. Akola.

AND

CRIMINAL APPLICATION (ABA) NO.528/2019

Mushtaque Kha Ahedullah Kha. .vs. State of Maharashtra, through PSO
P.S. Akot (Rural), Tq. Akot, Dist. Akola.

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

Court's or Judge's orders.

Mr. U. J. Deshpande, Advocate for applicants.

Mr. S. S. Doifode, A.P.P. for non applicant-State in Criminal
Application No.471/2019.

Mr. M. J. Khan, A.P.P. for non applicant-State in Criminal
Application No.528/2019.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 26, 2019

Heard Mr. Deshpande, learned counsel for
applicants and Mr. Doifode and Mr. Khan, learned A.P.P. for
non applicant-State.

Applicants are apprehending their arrest in
connection with Crime No. 235/2019 registered with Police
Station, Akot (Rural), Tq. Akot, Dist. Akola for an offence
punishable under Sections 143, 147, 148, 149, 294 and 307
of the Indian Penal Code (IPC).

Prior to lodging of First Information Report (FIR),
in which the present applicants are seeking pre-arrest bail,
applicant no.1-Inayat Kha Miya Kha Patel, lodged a report
with the same Police Station, in respect of assault made on

applicant no.2-Mumtaz Kha Miya Kha Patel, who got injured and one Matik Kha, who lost his life. Consequently, an offence was registered against the first informant in this case i.e. Fateh Rafat Patel and others for an offence punishable under Section 302 of the IPC along with other offences.

From the FIR and from the reply filed on behalf of the prosecution, it is clear that there was infighting between two groups, resulting into injuries on side of each group and one person from the group of the applicants lost his life.

This Court (Coram: Manish Pitale,J.) on 12.07.2019 and 02.08.2019, granted interim protection in favour of the present applicants on a condition that they shall attend Police Station every week and shall join the investigation. Accordingly, the applicants have joined the investigation by attending Police Station and scrupulously followed the conditions imposed on them.

In Crime No.234/2019, wherein applicant no.1-Inayat Kha Miya Kha Patel is the first informant, the accused therein were also protected by this Court by granting interim bail. Today itself they have withdrawn their applications since charge-sheet in their case is filed and they wish to appear before the Court below for regular bail.

Looking to the nature of the accusations made against the present applicants in both these applications and when the applicants have already joined the investigation by attending the Police Station, I pass the following order.

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest in connection with Crime No.235/2019 registered with Police Station, Akot (Rural), Tq. Akot, Dist. Akola for an offence punishable under Sections 143, 147, 148, 149, 294 and 307 of the Indian Penal Code, applicant no.1-Inayat Kha Miya Kha Patel and applicant no.2-Mumtaz Kha Miya Kha Patel (In Criminal Application No.471/2019) and applicant-Mushtaque Kha Ahedullah Kha (In Criminal Application No.528/2019), be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.
- (iii) The applicants are directed to attend Police Station Akot (Rural), on every Sunday between 10:00 a.m. to 05:00 p.m. till filing of the charge-sheet.

The applications are disposed of.

JUDGE