

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

CRIMINAL APPLICATION (ABA) NO. 735 OF 2019

Firozkhan Aliyarkhan and another .Vs. State of Maharashtra,through P.S.O,
P.S. Old City, Akola, Tq. and 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. S.V. Sirpurkar, Advocate for applicants.
Mr. P.S. Tembhare, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 18, 2019

Heard Mr. S. V. Sirpurkar, learned counsel for the applicants and Mr. P. S. Tembhare, learned Additional Public Prosecutor for the non applicant-State.

The applicants are apprehending their arrest in connection with Crime No. 345/2019 registered with Police Station, Old City, Akola, Tq. and Dist. Akola for an offence punishable under Sections 354, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

The victim is a married woman aged about 50 years. Her three daughters are already married and the victim resides at Hariharpeth, Old City, Akola with her husband. The report is dated 19.09.2019. As per report, the first informant's husband mortgaged his three acre agricultural land with Aliyar Khan alias Allu who is the father of the applicant no.1. It is stated in the report that

without knowledge of her husband surreptitiously his signatures were obtained. Therefore, proceedings were filed and the possession of the land is given to her. According to the report, on 19.09.2019 at 01:00 O'clock in the afternoon applicant no.1 and Mahammad Imran came and they forcibly took her in agricultural field. The other two companions were having the weapons. She there raised shouting and therefore, all the accused persons ran away.

From the report it is clear that there is a civil dispute in respect of the agricultural land pending in between the parties. The learned Additional Public Prosecutor states that Mahammad Imran is already arrested and from him all the weapons are seized. Insofar as the applicant no.2 is concerned his name is not figuring in the first information report. Since all the weapons are already seized and the applicant is already protected by this Court (Coram : Rohit B. Deo, J.) and directed to attend police station on every Monday and Friday, in my view, custodial presence of the present applicants is not necessary. Consequently, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 345/2019 registered with Police Station, Old City, Akola, Tq. and Dist. Akola for an offence punishable under Sections 354, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, applicant no.1 – Firozkhan Aliyarkhan and applicant no.2 – Sk. Rizwan Sk.

Aabu alias Raja, be released on bail on they executing P.R. Bond in the sum of Rs.15,000/- each, with one solvent surety each in the like amount.

(ii) The applicants are directed to attend Police Station, Old City, Akola, Tq. and Dist. Akola twice a week i.e. on every Monday and Tuesday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet.

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

JUDGE

srwagh