

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1423 OF 2020

ALIMODDIN KHAN JALALODDIN KHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Mr. R. V. Dasalkar

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CORAM : V. K. JADHAV, J.
DATED : 08TH DECEMBER, 2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 428 of 2020 registered with Jinsi Police Station, Aurangabad for the offence punishable under Sections 307, 323, 143, 147, 148, 149 and 506 of IPC. His application with similar prayer bearing Bail Application No. 1581 of 2020 came to be rejected by the Additional Sessions Judge, Aurangabad vide order dated 31.10.2020.

3. Learned counsel for the applicant submits that the investigation is over for all practical purposes and the formality of filing charge sheet is only remained. The

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applicant is in jail in connection with the present crime since 01.10.2020. In respect of the incident occurred on the same date, time and place, the father of co-accused, namely, Vinod Khemji Lodaya has lodged a complaint against the present informant and six other persons for having committed offence punishable under Sections 449, 395, 427, 504 and 506 of IPC and on the basis of his complaint, crime no. 427 of 2020 came to be registered in the same police station. Learned counsel submits that the injured Mumtaz has sustained only simple injury on his head. The applicant is in jail for considerable period. The applicant is ready to abide the conditions if imposed by this Court while enlarging him on bail. The applicant may be released on bail.

4. Learned APP has strongly resisted the application on the ground that the investigation is still in progress. Learned APP submits that name of the applicant is mentioned in the FIR with a specific role attributed to him. Learned APP submits that there are three crimes registered against the applicant. There is possibility of tampering with the

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prosecution evidence. The applicant may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the investigation papers, though I find name of the applicant mentioned in the FIR with a specific role attributed to him, however, the injured witness Mumtaz has sustained simple injury on his head. It further appears that there is a civil dispute between the parties and there was almost a free fight between two groups and as a result thereof, both the groups have lodged complaint against each other. In respect of the incident occurred on the same date, time and place, the father of co-accused, namely, Vinod Khemji Lodaya has lodged a complaint against the present informant and six other persons for having committed offence punishable under Sections 449, 395, 427, 504 and 506 of IPC and on the basis of his complaint, crime no. 427 of 2020 came to be registered in the same police station. Though there are three crimes registered against the applicant, however, two crimes for the offence punishable

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under Section 324 of IPC are of the year 2011 and 2015 respectively. There is only one crime of the year 2020 for the offence punishable under Section 353 and 147 of IPC. **On the same set of allegations, though there is criminal history, this Court has released the accused in the cross complaint No. 427 of 2020, namely, Syed Mumtaz s/o Syed Gafoor on bail.** Considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order.

O R D E R

- I. The application is hereby allowed.
- II. The applicant ALIMODDIN KHAN JALALODDIN KHAN be released on bail in connection with Crime No. 428 of 2020 registered with Jinsi Police Station, Aurangabad for the offence punishable under Sections 307, 323, 143, 147, 148, 149 and 506 of IPC, on his furnishing P.B. of Rs.20,000/- with one solvent surety of the like amount on the following conditions :-

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a] The applicant shall not tamper with the prosecution evidence in any manner.

b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m. till filing of the charge sheet.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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