

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

CRIMINAL APPLICATION (BA) NO.116 OF 2020

(Akaram Khan Kaiyum Khan and others Vs. The State of Maharashtra thr. PSO PS
Ural, Dist. Akola)

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

Court's or Judge's orders.

Shri N.R. Tekade, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th MARCH, 2020.

The applicants are in custody since 10.01.2020 in connection with Crime 11/2020 registered at Police Station Ural, Akola for offences punishable under sections 304, 352, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] The main accused is Kaiyum Khan Jabbar Khan. It is alleged that on 08.01.2020 at 08:30 p.m. the said Kaiyum drove the tanker not only rashly, but in circumstances as would suggest that knowledge can be attributed that death may be caused. The tanker crushed to death one Rahul Ingle and injured several others.

3] The applicants are not named in the first information report. However, the statements would suggest that the role which is attributed is that the applicants exhorted the driver of the tanker to drive without bothering

about the physical safety of the persons who may come in his way.

4] It would not be proper to make any observation on the evidentiary value of the version of the eyewitnesses, even assuming that the eyewitnesses stick to their version in the court. If the witnesses are to be believed, the conversation between Kaiyum and the present applicants sitting in the cabin along with Kaiyum is heard by the witness to the incident.

5] Considering that material on record, in so far as the applicants are concerned, I am inclined to allow this application.

6] The application is allowed.

7] The applicants shall be released on bail subject to the following conditions:

[i] The applicants be released on bail on furnishing P.R. bond of Rs.20,000/- each with a surety of like amount.

[ii] Till the charge-sheet is filed, the applicants shall attend Police Station Ural, District Akola on the first Monday of every calendar month.

- [iii] The applicants shall not, directly or indirectly make any attempt to influence the witnesses.

JUDGE

NSN