

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

LD – VC – BA NO. 38 OF 2020

Salamullah Khan Gulamllah Khan and others

vs.

The State of Maharashtra through PSO, PS Barshitakli, Dist. Akola

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

Court's or Judge's orders

Shri. Mir Nigman Ali, counsel for applicants
Shri. S. M. Ghodeswar, APP for respondent State.

CORAM : MANISH PITALE J.

DATED : 26/05/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicants.
3. This application has been filed for grant of bail as the applicants are behind bars in connection with F.I.R. dated 13/04/2020, whereby offences under Sections 307, 504 r/w. 34 of the IPC and Sections 4 and 25 of the Arms Act have been registered against them.
4. It is an admitted position that there are cross complaints in the present matter and that the accused persons in the cross case have been already granted bail by this Court by order dated 19/05/2020. It appears

that a dispute arose between the parties leading to an altercation on the question of blockage of a drainage. Although the Sessions Court has rejected bail on the ground that weapons were used in the incident and that since the parties are residing adjacent to each other there would be chances of further such incidents, the learned counsel for the applicants has submitted that appropriate conditions could be imposed for grant of bail, particularly in the light of the fact that the accused in the cross case have been already granted bail by this Court.

5. The learned APP has opposed grant of bail in the present case, highlighting observations made by the Sessions Court, particularly to the fact that the parties are residing adjacent to each other.

6. Considering the entire material on record and the fact that the accused persons in the cross case have been already granted conditional bail, this Court is of the opinion that the present application can also be allowed by imposing appropriate conditions on the applicants.

7. Hence, the present application is allowed in the following terms :-

(i) The applicants are directed to be released on bail in connection with F.I.R. No.170/2020 dated 13/04/2020 registered at Police Station Barshitakli, District – Akola on

their furnishing PR Bond in the sum of Rs.10,000/- (Rs.Ten Thousand only) each with one surety in the like amount.

(ii) The applicants shall attend police station Barshitakli, District – Akola once every week, on Monday between 10.00a.m. to 5.00p.m., till filing of charge-sheet.

(iii) The applicants are specifically directed not to indulge in any such activity in the future and not to interact with the accused in the cross case, so as to avoid any untoward incident.

8. Application is allowed in above terms.

9. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE