

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

Criminal Application [APPP] No.1004 of 2021
in
Criminal Application [ABA] No.350 of 2021

Sufiyan Khan s/o Nasir Khan

vs.

State of Maharashtra, through P.S.O. Mangrulpir, District Washim

with

Criminal Application [APPP] No.1003 of 2021
in
Criminal Application [ABA] No.351 of 2021

Firoz Khan @ Bada s/o Salam Khan

vs.

State of Maharashtra, through P.S.O. Mangrulpir, District Washim

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

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Shri D.G. Dhoble, Advocate for the Applicants/Accuseds.
 Shri A.B. Mirza, Advocate for the Complainant/Intervener.
 Shri N.R. Rode, A.P.P. for the State.

CORAM : S.M. MODAK, J.
DATE : 29th JUNE, 2021.

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

02] Heard.

03] Perused the applications. The victim wants to assist the prosecution. Photographs of the injuries sustained are annexed. The victim is permitted to assist the prosecution through learned Advocate Shri A.B. Mirza.

04] The applications are allowed and disposed of accordingly.

Criminal Application [ABA] 350 & 351 of 2021:

01] Heard learned Advocate Shri Dhoble for both the applicants, learned A.P.P. Shri Rode for the State and learned Advocate Shri Mirza for the complainant/intevener, who is assisting the prosecution.

02] There is already an interim protection granted to the applicants by this Court vide order dated 15/06/2021. After perusing the papers, it reveals that there are two offences registered at Mangrulpir Police Station. The present applicants apprehend arrest in connection with an offence bearing Crime No.173/21. It was registered on 03/04/2021 under Section 326, 323, 504 read with Section 34 of the Indian Penal Code. The first informant is one Mohammad Shahejad Mohammad Tasavvar, whereas the injured is one Shahadat Khan. In that offence, there were four accused persons. The main assailant was arrested and was already released on bail. The allegation against these applicants is beating the injured with the help of fists and blows. The incident took place on 02/04/2021 at about 08:00 p.m.

03] Whereas, the Mangrulpir Police Station had registered an offence bearing No.203/2021 on 09/04/2021. It was at the instance of Abdul Sohel Abdul Bashir. It was under Sections 323, 324 and rioting sections of the India Penal Code. These applicants have accompanied the first informant on 02/04/2021. The first informant was assaulted by Shahadat Khan by iron rod on his back. The first informant Abdul Sohel mentions about these two applicants accompanying him.

04] It is true that the victim has annexed the photographs showing the injuries caused to his private part. It is true that there is an application given to the learned Magistrate Mangrulpir for adding Section 307 of the Indian Penal Code and in fact the prosecution has also added Section 307 of the Indian penal Code. It is true that the offence is serious as compared to the earlier offences, but the role of the accused is important. There is no case that he has used any weapon and police wants to recover it. Ultimately the fate of the applicants will depend upon the merits of the matter.

05] Considering the fact that the only role of assaulting with fists and blows is alleged and considering the fact that here is also a counter offence registered, I deem it proper to confirm ad interim bail granted by this Court. They have been given directions to attend the police station and to co-operate in the investigation. There is no grievance of non-cooperation. In view of that the following order is passed.

ORDER

- i. The interim order passed by this Court on 15/06/2021 is confirmed.
- ii. The applicants not to threaten the prosecution witnesses in any manner.
- iii. The applications are disposed of accordingly.

JUDGE