

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

Criminal Application (BA) 817/2021

Zainulabedin Gyasuddin and another V State of Maharashtra

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

Court's or Judge's Orders

Mr. M.N. Ali, Advocate for appellants.
Mr. N.S. Rao, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 23, 2021.

Crime 284 of 2021 is registered against five persons for offences punishable under Sections 160, 323, 324, 325, 326 and 504 of the Indian Penal Code (for short, 'IPC') on the basis of report lodged by Mr. Akash Rathod, Beat Constable attached to Police Station Hiwarkhed.

2. The informant and Police Constable Praful Pawar were on patrolling duty at 7.00 a. m. on 06-07-2021. They came across two groups having a physical altercation. Some persons were armed with iron pipe. The persons disclosed their names as Najim Khan Noor Khan, Neem Khan Noor Khan belonging to one group and Jahid Khan Farhad Khan, Mujahid Khan Farhad Khan and Jainobiddin Gyasoddin, comprising the rival group.

3. The report states that although the informant and Police Constable Praful Pawar tried to separate the two groups and to prevent them from attacking each other, persons

belonging to both the rival groups attacked the other group with iron pipes. Virtually everybody, including the applicants herein suffered injuries.

4. In response to a Court query Mr. Rao, the learned Additional Public Prosecutor states on instructions received, that most of the investigation is over and the report of the Chemical Analyzer is awaited.

5. Mr. Rao, the learned Additional Public Prosecutor is opposing the bail on the ground that there is a real threat to law and order. The two rival groups have fought in the past, and if some of them or all, are released on bail, it would lead to further bloodshed and to may be a more serious incident.

6. Mr. M.N. Ali, the learned Counsel for the applicants states on instructions received, that till the completion of the trial the applicants shall reside at Amravati and shall not enter the territorial limits of village Hiwarkhed.

7. In view of the undertaking, I do not see any purpose in continuing the incarceration although all the five persons who fought on the relevant date have some or the other adverse criminal antecedents.

8. This application is allowed subject to the following conditions.

9. The applicant 1 Zainulabedin Gyasuddin and applicant 2 Zahid Khan Farhad Khan be released on bail in connection with Crime 284 of 2021 is registered with Police Station, Hiwarkhed, District Akola for offences punishable under Sections 160, 323, 324, 325, 326 and 504 of the I.P.C., on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) each with one solvent surety of the like amount.

10. Till the charge is framed and all the material witnesses are examined, the applicants shall not enter the territorial limits of village Hiwarkhed and shall reside at Amravati.

11. The applicants shall furnish to the Investigating Officer, within forty-eight hours of releasing, their phone numbers and the place of residence at Amravati.

12. The applicants shall, depending on the residence, report at the jurisdictional Police Station at Amravati, every Sunday between 10.00 a.m. and 1.00 p.m. and shall obtain an appropriate acknowledgment from the police Station, in a diary separately maintained for that purpose.

13. The applicants shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

14. The applicants shall not leave the country without the permission of the trial Court.

JUDGE

Deshmukh