

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

CRIMINAL APPLICATION (APL) NO.1196 OF 2021

(Rafatullah Kha Barkatullah Kha Vs. State of Maharashtra thr. PSO PS Akot (Rural),
Tq. Akot, Dist. Akola)

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

Court's or Judge's orders.

Mr. V. R. Deshpande, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 17th DECEMBER, 2021.

The applicant is arraigned as accused in Crime 234/2019 registered with Police Station Akot (Rural), Tq. Akot, Dist. Akola for offences punishable under Sections 302, 307, 324, 452, 143, 147, 158, 149 and 294 of the Indian Penal Code.

2. The role attributed is that the applicant assaulted the injured witness Mumtaz with wooden stick. No role is attributed in assault on the deceased.

3. While granting bail, the applicant was directed not to enter village Mohada till the evidence is recorded.

4. The applicant applied for relaxation of the condition, and the learned Sessions Judge has refused to oblige.

5. According to the applicant, his wife is suffering from 45% disability. The further submission is that other co-accused were not clamped the said condition and were only directed not to enter village Mohada till the submission of the charge-sheet or expiry of ninety days, whichever is earlier in point of time. It is emphasized that while the co-accused are residing at village Mohada, till date there is no complaint of any untoward incident.

6. The learned Sessions Judge has disbelieved the contention that the applicant could not establish that his agricultural field is lying barren. The learned Sessions Judge is justified since the documents were not placed on record. However, in addition to the said justification, the accused has prayed for similar treatment as accorded to the co-accused.

7. Considering the overall circumstances, I see no impediment if the condition is relaxed and the applicant is put to strict terms.

8. The order impugned is quashed.

9. The condition imposed while granting bail, which is to the effect that the applicant shall not enter village Mohada till the evidence is recorded, is modified. Instead, it is directed that the applicant may enter the village Mohada, and if there is any complaint of misuse of the indulgence, the relaxation shall be withdrawn forthwith.

10. The application is allowed in the aforesaid terms.

JUDGE

NSN