

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

CRIMINAL APPLICATION (APL) NO.1195 OF 2021

(Rahematullah Khan Barkatullah Khan and another 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 Applicants.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 17th DECEMBER, 2021.

Applicants Rahematullah and Faridullah are challenging the refusal of the learned Sessions Judge to relax the condition that the applicant shall not enter the village Mohada till the evidence of the witnesses is recorded.

2. Mr. Ved Deshpande would submit that neither Rahematullah nor Faridullah are attributed direct role in the assault, which allegedly caused death. It is further submitted that such onerous condition is not imposed on three co-accused who are released on bail and all that the said accused are directed to do is not to enter the village till the submission of the charge-sheet or expiry of ninety days, whichever is earlier in point in time.

3. It is further pointed out that while the other accused are residing in the village, there is no untoward incident reported till date.

4. The learned Sessions Judge has disbelieved the contention that the applicants could not establish that their agricultural fields are 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 have prayed for similar treatment as accorded to the co-accused.

5. Considering the overall circumstances, I see no impediment if the condition is relaxed and the applicants are put to strict terms.

6. The order impugned is quashed.

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may enter the village Mohada, and if there is any complaint of misuse of the indulgence, the relaxation shall be withdrawn forthwith.

8. The application is allowed in the aforestated terms.

JUDGE