

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.126 OF 2022

1. Karim Khan s/o Yusuf Khan Pathan
 2. Aziz Khan s/o Yusuf Khan Pathan
 3. Abed Khan s/o Yusuf Khan Pathan
 4. Faizal Khan s/o Rauf Khan Pathan
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

WITH

CRIMINAL APPLICATION NO.645 OF 2022
IN ABA/126/2022

...

Mr. P. M. Shinde, Advocate for applicants in ABA/126/2022.
Mr. P. M. Nagargoje, Advocate for applicant in APPLN/645/2022.
Mr. V. M. Kagne, APP for the respondent – State in both the cases.

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CORAM : SMT. VIBHA KANKANWADI, J.

Reserved on : 18.02.2022

Pronounced on : 24.03.2022

ORDER :-

1. Criminal Application No.645 of 2022 filed by the original informant seeking permission to assist learned APP stands allowed and disposed of.

2. The applicants are apprehending their arrest in connection with Crime No.11 of 2022 registered with Harsul Police Station, Dist. Aurangabad for the offences punishable under Sections 341, 452, 323,

504, 506 read with Section 34 of Indian Penal Code.

3. Heard learned Advocate Mr. P. M. Shinde for the applicant in ABA/126/2022 and learned APP Mr. V. M. Kagne for the respondent – State well assisted by learned Advocate Mr. P. M. Nagargoje for the original informant. In order to cut short it can be said that they have made submissions in support of their respective contentions.

4. The FIR has been lodged by one Shaikh Razia Shaikh Zabbar. It has been alleged that applicant No.1 had gone to the field of the informant and asked witness Shahrukh as to why he is ploughing the land from a tractor. Other accused joined and then it is stated that the informant was assaulted. Certainly, the informant had sustained simple injuries that to with stick. Now, it is stated that the said iron rod and wooden stick used in the commission of the crime deserves to be seized. In general, it is stated that there is possibility of tampering with the evidence or commission of similar crime in future. Apprehension is also expressed regarding applicant getting absconding. Each and every apprehension can be taken care of. It is not necessary to place the applicants in the physical custody of the Investigating Officer. The investigation can still progress and if attendance is given, then it can be utilized by the Investigating Officer in appropriate circumstance.

Therefore, taking into consideration the nature of the offence and the allegations, the interim protection granted earlier by this Court deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The interim protection granted earlier by this Court vide order dated 03.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of the applicants viz. (i) Karim Khan s/o Yusuf Khan Pathan, (ii) Aziz Khan s/o Yusuf Khan Pathan, (iii) Abed Khan s/o Yusuf Khan Pathan and (iv) Faizal Khan s/o Rauf Khan Pathan in connection with Crime No.11 of 2022 registered with Harsul Police Station, Dist. Aurangabad for the offences punishable under Sections 341, 452, 323, 504, 506 read with Section 34 of Indian Penal Code, they be released on P. R. Bond of Rs.30,000/- each with two solvent sureties of Rs.15,000/- each, if not already released.
- III) The applicants shall not indulge in any criminal activity nor shall try to tamper with the evidence of the prosecution, in any manner.
- IV) They shall cooperate with the investigation and shall attend the Harsul Police Station on every Thursday between 10.00 a.m. to 2.00 p.m, till filing of charge-sheet.

[SMT. VIBHA KANKANWADI, J.]

scm