

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1742 OF 2023

Parvez Khan Nawab Khan Pathan

... Applicant

Versus

The State of Maharashtra

... Respondent

...
Mr. M. K. Bhosale, Advocate for the Applicant
Mr. S. P. Deshmukh, APP for Respondent/State
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 18.10.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.349/2023 dated 03/09/2023 registered with Jintur Police Station, District Parbhani, for the offences punishable under Sections 307, 109 read with Section 34 of the Indian Penal Code [for short 'IPC'].
3. The investigation has been set in motion on the basis of information given by Maqsood Khan Mobin Khan Pathan alleging that, the accused - Awez Khan used to demand him money. On 01/09/2023, the accused - Awez Khan demanded Rs.500/- for drinking liquor. The informant refused his demand. The accused

threatened him and walked out. In the evening, at about 10:45 p.m., while informant was at his house, the accused – Awez along with his brother - Parvez entered his home and dragged him out of the house and demanded the money. It is alleged that, the Awez Khan took out dragger and inflicted the injuries on the stomach. While doing so, the applicant Parvez Khan had caught hold the hands of the informant. On hearing the shouts, other family members and neighbours arrived at the spot. They took the informant to the hospital. Accordingly, the offences came to be registered against applicant and his brother – Parves Khan. The applicant came to be arrested on 04/09/2023. Since then, he is behind the bars.

4. Mr. Bhosale, the learned Advocate appearing for applicant would submit that, taking the contents of FIR as it is, the limited role is attributed against applicant that, he had caught hold the hands of the informant. The allegation of inflicting the bleeding injury is against accused no.1 – Awez Khan. He would invite attention of this Court to the order dated 17/10/2023 passed by Sessions Judge, Parbhani in Criminal Application Bail No.729/2023, which shows that, accused - Awez Khan is granted bail by the Sessions Court, Parbhani. Mr. Bhosale would further submit that, it is a case where cross complaints are filed. The exaggerated version is given in the present FIR.
5. Learned APP strongly opposes the prayer for grant of bail.

6. Having considered the submissions, once the accused no.01 - Parvez Khan is granted bail, there is no reason to continue the detention of applicant against whom there are no attributions of causing any injury to the informant. In that view of the matter, the case is made out for grant of bail. Hence, following order:

ORDER

- (I)** Bail Application is allowed.
- (ii)** The applicant, namely, Parvez Khan Nawab Khan Pathan be released on bail in connection with Crime No.349/2023 dated 03/09/2023 registered with Jintur Police Station, District Parbhani, for the offences punishable under Sections 307, 109 read with Section 34 of IPC on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:
- (a)** The applicant shall not tamper with the prosecution evidence / witnesses in any manner.
 - (b)** He shall attend attend the concerned Police Station once in a week i.e. on every Monday between 10:00 am to 2:00 pm, till filing of charge- sheet.
 - (c)** He shall not indulge in similar offence.
 - (d)** He shall attend the trial on each and every effective date before the Trial Court.
- (iii)** Bail Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**