



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

959 BAIL APPLICATION NO. 1883 OF 2024

ALTAF KHAN MEHBOOB KHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. F.N. Shaikh h/f Mr. Shaikh Nasimoddin
Rafiyoddin
APP for Respondent/State : Mr.S.P. Sonpawale

...
CORAM : S. G. MEHARE, J.
DATE : 25th October, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants seek bail in Crime No.387 of 2024 registered with Pachora Police Station, Bhusawal, Tq.Pachora, Dist.Jalgaon, for the offences punishable under sections 118(2), 125, 125(a), 118(1), 189(2), 189(4), 187, 191(1)(2)(3), 190, 115(2), 352 and 351(2) of Bhartiya Nyaya Sanhita.
3. The applicants have a case that it was a fight between two groups and both groups have lodged the reports against each other. Persons from both groups were injured. The applicants were arrested on 3rd September, 2024. The papers produced before the Court show that the recovery of the weapon is done. The material investigation against the applicants has been completed. It is a case like rioting. The applicants are languishing in jail for one and half month. They have no

antecedents to their discredit. The injured have been discharged as they were out of danger.

4. Perused the investigation papers and F.I.R.. It appears that it was an incident happened due to the road accident. So it can not be said that assaulting on the persons from both groups was at the spur of moment and assembly turned into unlawful assembly. Be that as it may, the weapons allegedly used by the applicants have been recovered and nothing further has remained to be recovered from the applicants. They are in jail for sufficient time. Hence, no purpose would be served by keeping them behind the bar. However, the prosecution's apprehension of law and order may be guarded by imposing certain stringent conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant no.1 – Altaf Khan Mehboob Khan and applicant no.2 – Akbar Khan Vazir Khan be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount by each of them, in the above crime for the aforesaid offences, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.

- (b) They should stay away from the village Antuli (Kh),
Tq.Pachora, Dist. Jalgaon for three weeks from the date of
their release.

(S.G. MEHARE, J.)

sga