



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

CRIMINAL APPLICATION (BA) NO.924 OF 2024
(Vakil Beg s/o Gulsher Beg and anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, Advocate for the applicants.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 14, 2024.

By this application, the applicants are seeking bail as they came to be arrested on 06/09/2024 in connection with Crime No.322/2024, registered with Police Station Hiwarkhed, District Akola for the offence punishable under Sections 296, 191(3), 191(2), 191(1), 190, 189(2), 118(1), 115(2) and 109 of the Baharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Rohit Anil Karale on an allegation that on 06/09/2024 he had sold a plot of land bearing Survey No.5 to Wasim Beg Mirza at Hiwarkhed. He had employed Raees Ikramoddin as labour to put soil on the road. At the relevant time, there was a dispute between him and the present applicant and other co-accused and during that the other co-accused gave a blow of knife on his person. At the relevant time it is alleged that the present applicants have assaulted by means of fist and kick blows.

On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicants submitted that as far as present applicant No.1 is concerned who is arraigned as an accused No.9 and only allegation against him is that he has assaulted the injured by fist and kick blows whereas applicant No.2 has also participated in the assault by pushing the informant by force. Thus, considering the limited role attributed to the present applicants, now their further incarceration is not required. In view of that, they be released on bail.

4. Learned APP strongly opposed the application and submitted that in furtherance of the common intention the injured was assaulted by the present applicant and the other co-accused. The investigation is still in progress. Some of the accused are still absconding. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that only role attributed to the present applicant No.1 is assault by fist and kick blows and applicant No.2 is pushing the injured. Thus, considering the role attributed to the present applicants, their further incarceration is not required. In view of that, they have made out a case for grant of bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicants – 1) Vakil Beg s/o Gulsher Beg, 2) Matin Beg Vakil Beg in connection with Crime No.322/2024, registered with Police Station Hiwarkhed, District Akola for the offence punishable under Sections 296, 191(3), 191(2), 191(1), 190, 189(2), 118(1), 115(2) and 109 of the Baharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicants shall attend the proceedings before the Sessions Court regularly without seeking any exemption unless there are exceptional circumstances.

(v) The applicants shall not enter into the vicinity of village Hiwarkhed, Taluka Telhara, District Akola, till culmination of the trial.

(vi) The applicants shall not tamper the prosecution witnesses in any manner either

physically or by way of electronic media and shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*