

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

CRIMINAL APPLICATION (BA) NO. 702 OF 2020

(Shaikh Babar Shaikh Bhura and others ..vs.. State of Maharashtra, through PSO, Ramdaspath PS,
Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Z. Haq, Counsel for the applicants,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 30-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicants are seeking regular bail in Crime 87/2020 registered with Ramdaspath Police Station, Akola for offences punishable under Section 143, 147, 148, 149, 307, 324, 504 and 506 of the Indian Penal Code. Cross-reports are lodged by the rival parties concerning the incident which appears to be a free for all fight. The applicants with nine others are implicated while one co-accused has expired, the others are released either by the Sessions Court or by this Court.

4. Shri Z. Haq, learned counsel for the applicants points out that the report lodged by the applicants' group

is prior in point of time. Moreover, out of the two persons, who are allegedly injured, one is absconding and the other woman has only minor injuries. Shri Z. Haq, learned Counsel further points out that the two, who are allegedly injured, are accused in the crime registered pursuant to the report lodged by the applicants' group. It is further pointed out that one of the members of the applicants' group died in the incident.

5. The applicants do not have any criminal antecedents. The investigation is complete and the charge-sheet is filed.

6. Considering that the incident appears to be a free for all fight, that the only injured has minor injuries and she is named as an accused in the counter report, I do not it consider justified to force the applicants to languish in jail.

7. The applicants have made out a case for grant of bail.

8. The application is allowed.

9. The applicants shall be released on bail on executing personal bond of Rs.25,000/- each with a solvent surety of like amount.

10. Considering the prevailing circumstances, the surety shall be furnished within four weeks of the release.

11. The applicants shall not make any attempt to tamper with the evidence or to influence witnesses.

12. The applicants shall attend each date of hearing scrupulously.

13. The applicants shall not leave the country without the permission of the trial Court.

14. If the applicants indulged in similar or serious offence, the prosecution shall be at liberty to seek cancellation of bail.

JUDGE

adgokar