

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No. 1041 Of 2015.

PATHAN IMRAN AYUB AND ORS.

VERSUS

THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Siddheshwar S. Thombre, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 23rd MARCH, 2015.

Per Court :-

Present Criminal Application is filed by the applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. 9/2015 registered with Police Station, Beed (Rural), Dist. Beed for the offences punishable under Section.s. 147, 148, 149, 326, 336, 323, 504, 506 of the Indian Penal Code, 1860.

[2] First Informant – Niyamantkha s/o/ Mehboobkha Pathan is having authorization from the State Government to run Fair Price Shop. There was dispute in respect of said Fair Price Shop, culminating into enquiry from the competent authority, in respect of said Fair Price Shop resulting into the alleged incident.

[3] Though in the First Information Report, it has been stated that present Applicant No.1 has used sickle as a weapon in the commission of offence to make an assault, injury certificate which is filed on record clearly shows no corresponding injury to such sickle blow alleged to have been made by present applicant No.1. On the contrary, the injury certificate of the first informant - Niyamantkha s/o/ Mehboobkha Pathan shows that injuries are simple in nature. Looking to the background incident, this court is of the view that, custodial presence of the present applicants is not at all necessary.

[4] Further by the order dated 26th February, 2015 this Court (Coram : T.V. Nalawade, J.) has granted ad interim protection to Applicant No.3 – Siddheshwar Macchindra Bhawale. After hearing the learned counsel for the Applicants and learned Additional Public Prosecutor for the State, this court is of the view that, Applicant Nos. 1 and 2 are also entitled for protection from this Court. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 Pathan Imran Ayub, Accused No.2 – Pathan Irfan Ayub and Applicant No.3 – Siddheshwar Macchindra Bhawale shall be released on anticipatory bail on they executing PR. Bond of Rs. 5,000/- [Rs.Five Thousand] each with one solvent surety in the like amount, in connection with CR No. 9/2015 registered

with Police Station, Beed (Rural), Dist. Beed for the offences punishable under Section.s. 147, 148, 149, 326, 336, 323, 504, 506 of the Indian Penal Code, 1860.

(iii) Applicant No.1 Pathan Imran Ayub and Accused No.2 – Pathan Irfan Ayub are directed to attend the Police Station, Beed (Rural), Dist. Beed once in a week preferably on every Sunday in between 3.00 p.m. to 4.00 p.m.

(iv) With this Criminal Application is disposed of.

(V.M. DESHPANDE, J.)