

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

CRIMINAL APPLICATION NO. 1905 OF 2015

Mohd. Zaid s/o Abdul Maneed Menon
& Oths.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

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Mr. D.S.Bharuka, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp.– State.

Mr. Shaikh Ashpak Taher Patel, Advocate
for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th APRIL, 2015

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PER COURT :

1. By the present application, applicants are seeking anticipatory bail since they are apprehending their arrested in connection with Crime No. 135/2015 registered with Kranti Chowk police station, Aurangabad for the offence punishable u/s 395 of the Indian Penal Code.

2. Heard Mr. D.S.Bharuka, learned counsel for the applicants, Mrs. Pratibha Bharad, learned A.P.P. for

respondent – State and Mr. Shaikh Ashpak Taher Patel, learned counsel for first informant.

3. It is not in dispute that Mohd. Zaid, present applicant No. 1 has filed F.I.R. against the son of Sk. Salim Sk. Habib, the first informant on 15/03/2015 and on the basis of the said, Crime No. 133/2015 is registered for the offence punishable u/s 395 of the Indian Penal Code.

4. It is also not in dispute that the son of Sk. Salim Sk. Hahib, who is first informant in Crime No. 135/2015, in which present applicants are claiming anticipatory bail, was arrested and is released on regular bail on 06/04/2015 by the Court below.

5. F.I.R. shows that the incident in question has occurred in presence of Sk. Rais and Sk. Farhan. Though, F.I.R. is lodged on 16/03/2015, after the lapse of more than one month, for the reasons best known to the Investigating Officer, their statements are not recorded. Looking to the said aspect and looking to the fact that F.I.R. was firstly lodged by the present applicant against the son of first informant for the offence punishable u/s 395 of the Indian Penal Code and looking to the fact that the person from whom the property is alleged to have been robbed by the applicants, has not filed any F.I.R., applicants have made out *prima facie* case for anticipatory bail in their favour.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 135/2015 registered with Kranti Chowk police station, Aurangabad for the offence punishable u/s 395 of the Indian Penal Code, applicant No. 1 Mohd. Zaid s/o Abdul Majeed Memon, applicant No. 2 Mohd. Yousuf s/o Mohd. Haroon, applicant No. 3 Naseem Khan s/o Wahab Khan, applicant No. 4 Mohd. Imran s/o Haji Aref and applicant No. 5 Syed Zaker Ahmed s/o Ashrafuddin be released on anticipatory bail on they executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with two solvent sureties of like amount by each of them.

(iii) Applicant Nos. 1 to 5 shall attend Kranti Chowk police station, Aurangabad once a fortnight preferably on Sunday between 3.00 p.m. and 4.00 p.m. till the charge sheet is filed.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]