

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2010 OF 2015

Shaikh Maksud s/o. Mehmood & Ors.**Applicants.**

Versus

The State of Maharashtra & Anr.**Respondents.**

Mr. A.R. Nikam, Advocate for applicants.

Mr. V.D. Godbharle, APP for State/respondent Nos. 1 and 2.

CORAM : T.V. NALAWADE, J.

DATED : 29th April, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. Crime is registered on the basis of report given by one Tajmohammad. His daughter is given in marriage to applicant No. 1. According to him, in the incident dated 6.1.2014 after 5.00 p.m. all the applicants entered his house situated at Mahavir Chowk from Ambad and they picked up quarrel with his daughter and others. Allegations are made that threats of life were given. Specific allegations are made against male persons that they assaulted the complainant and the other members of

the family. Allegations are made against female applicants that they also took part in the incident. Allegations are made that beating was given by fist blows, slaps, kicks etc. and in the incident damage was caused to cooler, cabinet, building, bed etc. The neighbours came there and they rescued the complainant and his family members.

3. The spot panchanama shows that it was drawn very late as the crime was registered late. The papers of investigation shows that there are statements of neighbours which are to the effect that they had witnessed the incident in which around eight persons came, they entered the house of complainant and some incident did take place.

4. The learned counsel for applicants submitted that applicant No. 2 was on duty on that day. He produced some record to show that he was present at service place and he was marked as present on that day. The attendance is marked in the morning when the employee comes to resume duty and there is no procedure to sign the muster roll while leaving the office. Further, the Sessions Court observed that the distance between two places can be covered within two hours. In any case, *alibi* cannot be considered at this stage. As the allegations as against

the ladies are vague in nature and considering the nature of allegations and as they are ladies, this Court holds that protection needs to be given to applicant No. 3 - Noorjaha w/o. Shaikh Mehmood and applicant No. 7 - Shamimbee w/o. Shaikh Nazir and so, their application is allowed. Interim relief granted in their favour is confirmed.

5. Application of other applicants is rejected.

[T.V. NALAWADE, J.]

SSC/