

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2108 OF 2015.

ATIK S/O JANIMIYA AUTI & OTHERS.
VERSUS
THE STATE OF MAHARASHTRA & OTHERS.

Appearance =>

Mrs. Anjali Dube (Bajpai), Advocate for the Applicants.

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

Mr. Dahiphale, Advocate h/for Mr. N.P. Patil – Jamalpurkar, Advocate for First Informant (Applicant in Cri.Appln. No. 2192/2015.)

CORAM : V.M. Deshpande, J.

DATE : 30th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, in connection with CR No.76/2015 registered with Police Station, Omurga, District – Osmanabad, for the offences punishable under Section/s 327, 323, 143, 147, 506 of the Indian Penal Code.

[2] Heard Mrs. Anjali Dube (Bajpai), learned counsel for the Applicants, Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State of Maharashtra and Mr. Dahiphale, Advocate h/for Mr. N.P. Patil – Jamalpurkar, Advocate for First Informant (Applicant in Cri.Appln.No.2192/2015.)

[3] According to the First Information Report dated 8th April, 2015 when the first informant was proceeding towards Solapur, that time, present Applicants accosted him and after assaulting him, snatched Rs.15,500/- from him.

[4] The allegations made in the First Information Report are general in nature. The learned counsel for the First Informant submitted that the Applicants are gunda persons and they have their terror in the town.

However, neither the learned Additional Public Prosecutor nor the learned counsel for the first informant are able to point out the criminal antecedents of present Applicants. Injury certificate shows that there are three simple injuries.

Further, it is not in dispute that present Applicant No.1 has filed report against the brother of present first informant on 6th February, 2015 vide CR No.28/2015 for the offences punishable under Section/s 143, 147, 148, 354(B) of the Indian Penal Code. Said fact is not at all disputed either by the learned Additional Public Prosecutor or the learned counsel for the first informant. Further it is clear that no weapon was used in the commission of alleged offence.

[5] In that view of the matter, custodial presence of the Applicants is not at all required. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of their arrest, Applicant No.1 – Atik Janimiya Auti, Applicant No.2 – Ibrahim (Bhaiyya) Mohammad Husen Shaikh, Applicant No.3 – Maujjam @ Munna Abdul Majjid Kazi, Applicant No.4 – Jaki @ Mohammad Musa s/o Abdul Majjid Kazi and Applicant No.5 – Azhar s/o Atik Auti, shall be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] each with one solvent surety in the like amount, in connection with CR No. 76/2015 registered with Police Station, Omerga, District – Osmanabad, for the offences punishable under Section/s 327, 323, 143, 147, 506 of the Indian Penal Code.

(iii) The Applicants shall attend Police Station, Omerga, twice in a week, preferably on every Saturday and Tuesday and shall remain present in the Police Station, between 3.00 p.m. to 5.00 p.m., till Charge-Sheet is filed.

(iv) The Applicants shall not tamper with the prosecution witnesses nor they shall extend any threat what-so-ever in nature.

(v) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)