

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2408 OF 2015

Amjad Khan s/o Habib Khan Pathan ... **Applicant**
Age 28 years, Occu: Business
R/o Sanjay Nagar, Baijipura, Aurangabad.

Versus

The State of Maharashtra ... **Respondent**
Through Police Inspector
Jinsi Police Station, Aurangabad.

WITH

CRIMINAL APPLICATION NO. 2404 OF 2015

1. Mateen s/o Hiraji Patel
Age 27 years, Occu: Business
R/o Indira Nagar, New Baijipura, Aurangabad.
2. Yusuf s/o Hiraji Patel
Age 30 years, Occu: Business
R/o As above.
3. Shaikh Shafeq s/o Shaikh Babu
Age 31 years, Occupation: Labour
R/o As above
4. Feroz Khan @ Baba s/o Habib Pathan ... **Applicants**
Age 32 years, Occupation: Business
R/o as above.

Versus

The State of Maharashtra ... **Respondent**
Through Police Inspector
Jinsi Police Station, Aurangabad.

Mr. Khizer Patel, Advocate for the applicants
Mr. A. S. Shinde, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 11th June, 2015

PER COURT :

1. Both these applications arise out of Crime No.I-100/2015 registered at Jinsi Police Station, District Aurangabad for the offences punishable for the offences punishable under sections 143, 147, 149, 341, 336, 395, 427, 323, 504, 506 of the Indian Penal Code. These two applications can conveniently be disposed of by a common order.
2. By these two applications, the applicants therein are seeking their pre arrest bail in the aforesaid crime.
3. I have heard Shri Khizer Patel, learned counsel for the applicants in these two applications and Shri A. S. Shinde, learned Additional Public Prosecutor for the State in extenso.
4. The applicant Amjad Khan in Criminal Application No. 2408 of 2015 has lodged FIR with the Police Station Jinsi on 09.04.2015 against Dr. Gafar Quadri, Shaikh Ahmed and others. Shaikh Ahmed is the first informant in Crime No. 100/2015 in which the applicants

are claiming anticipatory bail.

5. Insofar as offence punishable under section 395 is concerned the first information report discloses that the Applicant Amjad Khan, applicant Firoz have snatched Rs.3500/- from Dr. Gafar Qadri who is accused in crime No 99/2015 which is filed by the applicant Amjad Khan. The first information report disclose that there was free fight between two group of a political party MIM on account of distribution of party tickets and for filling of the form for Aurangabad Municipal corporation Election.

6. Learned Additional Public Prosecutor has fairly submitted that there is no injury certificate available in the investigation papers.

7. The applicants were granted ad interim anticipatory bail by this court till today. While granting ad interim relief in favour of the applicants they were directed to attend the Police Station. Learned counsel for the applicants has submitted that the applicants have attended the police station. There is no reply on behalf of the investigating officer to point of that the applicants have breached the conditions imposed by this Court. It is not reported that the applicants have misused the liberty granted to them. In view of the

fact that earlier filing of the FIR on behalf of the Applicant Amjed Khan against the first informant, and the person from whom it is alleged that Rs.3500/- is snatched, the possibility of false implication on account of political rivalry cannot be ruled out. That leads me to pass following order:

ORDER

- i. Applications are allowed.
- ii. Applicants in both the applications shall be released on anticipatory bail in the event of their arrest in connection with Crime No.I-100/2015 registered at Jinsi Police Station, District Aurangabad for the offences punishable for the offences punishable under sections 143, 147, 149, 341, 336, 395, 427, 323, 504, 506 of the Indian Penal Code on their executing P.R. Bond of Rs.15,000/- (Rs.Fifteen Thousand only)each with one solvent surety in the like amount.
- iii. With this, the applications are disposed of.

(V. M. DESHPANDE, J.)

JPC