

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3629 OF 2015

MOHD. TAUFIK MOHD. GAFAR @ SHARUKH GANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Pavankumar S. Agrawal
APP for respondent : Mr. D.V. Tele

CORAM : V.M. DESHPANDE, J.
DATE : 27TH JULY, 2015.

PER COURT:

1] This is an application for regular bail. Heard Shri P.S. Agrawal for the applicant and Shri D.V. Tele, APP for the State.

2] The applicants are seeking their release on bail in connection with Crime No. 84 of 2015 registered at Police Station Kalamnuri, District Hingoli, for the offence punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of IPC.

3] For an incident dated 24.6.2015, two FIRs are lodged. The first FIR is Crime No. 84 of 2015 for the offence punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of IPC. The second FIR, i.e. Crime No. 85 of 2015, for the offence punishable under Sections 143, 147, 323, 504 and 506 of IPC. The said FIR is lodged by present applicant No.1 Mohd. Taufik Mohd. Gafar @ Shahrukh Gani. In the said FIR, the first informant in Crime No. 84 of 2015 is one of the accused.

4] FIR No. 84 of 2015 would disclosed that the occurrence has taken place in view of the trifle issue of parking of a Hand Cart used for selling fruits. Though the name of the applicant Nos. 1 and applicant No.3 are taken in Crime No. 84 of 2015, no role is ascribed to them that they have assaulted or injured Ahmed Samad as alleged by the first informant Abdul Hafiz Abdul Rashid, who is his brother.

5] Further, in the FIR, the role attributed to present applicant No.2 is that he has assaulted by means of a sprite bottle. The applicants are arrested since 25.6.2015. The investigation is almost over as it can be seen from the investigation papers and the formality of filing charge sheet is remained to be done.

6] Looking to the nature of injuries and the fact that the offence has taken place on a spur of moment for which cross complaints are also filed and looking to the fact that no role is attributed to the applicant Nos. 1 and 3, in my view, the applicants have made out a case for their release on bail. That leads me to pass the following order.

7] (i) Present Criminal Application is hereby allowed.

(ii) Applicant No.1 Mohd. Taufik Mohd. Gafar @ Shahrukh Gani, Applicant No.2 Shaikhk Khaja Shaikh Mannan and Applicant No.3 Shaikh Chand Shaikh Khaja, be released on bail in connection with Crime No.84/2015 registered with Kalamnuri Police Station, Dist.

Hingoli, Gangapur for the offences punishable u/s.307, 143, 147, 148, 149, 323, 504, 506 of IPC, on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

(iii) Present applicants shall attend Kalamnuri police station twice in a week preferably on every Sunday and Tuesday between 3.00 - 5.00 p.m. till the charge sheet is filed.

(iv) With these observations, Present Criminal Application is disposed of.

[V.M. DESHPANDE,J]

grt/-