

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4204 OF 2015

Shaikh Rais s/o Shaikh Rashid & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.4324 OF 2015**

Riyaz Hussain Pathan & ors. ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr A.K. Bhosale, Advocate for applicant;
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 25th August, 2015

ORAL ORDER :

The applicants herein are seeking pre-arrest bail, in connection with C.R. No.I-67 of 2015, registered with MIDC Paithan Police Station, for offences punishable under sections 395, 397, 307, 326, 452, 504 and 506 of the Indian Penal Code, 3/25 of the Indian Arms Act and under section 135 of the Bombay Police Act.

2. Upon instructions from the Investigating Officer, who is personally present in Court, learned Addl. Public Prosecutor has opposed the bail application on the ground that there is direct involvement of the present applicants in the crime.

3. The main accused, namely, Salim Sandu Shaikh was arrested and has been released on regular bail. It is required to be noted that the complainant in the present case is an accused in C.R. No.65 of 2015, registered on 18th July, 2015, which was at the behest of Shaikh Sandu, i.e. main accused in the present case.

4. In view of the above referred background and looking to the accusations against the present applicants, in my opinion, it will be appropriate to order release of the present applicants, in the event of their arrest. Hence, following order :-

Criminal Application Nos.4204 of 2015 and 4324 of 2015 stand allowed.

Applicants in Criminal Application No.4204 of 2015, namely, (1) Shaikh Rais s/o Shaikh Rashid, (2) Shaikh Hakim s/o Shaikh Gulab, (3) Shaikh Mushtaq s/o Nazir, (4) Shaikh Balam @ Abdul Quadar s/o Shaikh Mehboob, (5) Shahrukh s/o Hussain Pathan and (6) Hussain Akbar Pathan and applicants in Criminal Application No.4324 of 2015, namely, (1) Riyaz Hussain Pathan, (2) Maqsood Hussain Pathan, (3) Aman Hussain Pathan, (4) Sameer Hussain Pathan, (5) Khaled Akbar Pathan, (6) Sajan Shaikh Mohammad, (7) Haroon Rashid Shaikh (Shaikh Haroon s/o Shaikh Rashid), (8) Muktar Ahmed Shaikh and (9) Islam Balam Shaikh, in the event of arrest, in connection with C.R. No.I-67 of 2015, registered with MIDC Paithan Police Station, for offences punishable under sections 395, 397, 307, 326, 452, 504 and 506 of the Indian Penal Code, 3/25 of the Indian Arms Act and under section 135 of the Bombay Police Act, be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/-, with one surety in the like amount. The applicants shall attend the concerned police station, initially for three days on every day,

(3)

criap4204.15, etc.

between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

(N.W. SAMBRE, J.)

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