

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4531 OF 2015

1. Shaikh Javeed s/o Shaikh Yousuf
Age 32 years, Occu. Driver
2. Shaikh Ismail s/o Shaikh Nabi,
Age 25 years, Occu. Labour
3. Shaikh Jahur @ Mitthu s/o Shaikh
Nabi, Age 38 years, Occu. Labour
4. Jafar Khan s/o Babu Khan,
Age 25 years, Occu. Education,

All r/o Kranti Nagar, Parbhani,
Taluka and District Parbhani

..Applicants

Versus

- . The State of Maharashtra
through Kotwali Police Station,
Parbhani, Taluka and
District Parbhani

..Respondent

Mr G.R. Syed, Advocate for applicants
Smt. M.S. Patni, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd September 2015

PER COURT

Heard.

2. The present applicants are accused of committing offence, punishable under Sections 143, 147, 149, 323, 506, 427 read with Section 34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 7 (1) (D) of the Protection of Civil Rights Act registered at Kotwali Police Station, District Parbhani vide Crime No.I-146/2015. The alleged offence alleged to have been taken place at around 8.20 pm on 12th July 2015.

3. There is another offence registered vide Crime No.142/2015 for the offences punishable under Sections 354 (A) (1), 506 of the Indian Penal Code at the behest of Kum.Mahek daughter of Shaikh Javed. Said Shaikh Javed is applicant No.1 in the present application.

4. The allegation in Crime No.142/2015 is, the Doctor who was assaulted in Crime No.146/2015 had tried to commit the offence on the said minor daughter, whereas in Crime No.146/2015, the applicants have tried to assault the Doctor and has caused injury to him while insulting aspiration to said Doctor of his caste that he belongs to reserved category, etc.

5. It is required to be noted from the contents of the first information report that prima facie offence under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 7 (1) (D) of the Protection of Civil Rights Act could not be noticed.

5. Looking to the above referred history i.e. complaint and counter complaint and the fact that the incident narrated in Crime No.142/2015 with the present applicant Shaikh Javed's daughter took place in the dispensary of said Doctor, it will be appropriate, in my opinion to order release of the present applicants on following conditions:

(I) In the event of their arrest, the applicants herein be released on bail in Crime No.I-146/2015 for the offences punishable under Sections

143, 147, 149, 323, 506, 427 read with Section 34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 7 (1) (D) of the Protection of Civil Rights Act, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) and one surety in the like amount by each of the applicants.

(II) The applicants shall attend the Kotwali Police Station, District Parbhani initially for three days in between 10.00 am to 11.00 am and thereafter as and when directed by the Investigating Officer.

(III) Till investigation the applicants shall keep themselves away from the jurisdiction of Kotwali Police Station, but for attending the Investigating Officer and shall make available their addresses and phone numbers to the Investigating Officer.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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