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

CRIMINAL APPLICATION NO.4566 OF 2015

1. Khaled Abu Turab s/o Mohammed Shafi;
2. Abdul Majed Qureshi @ Kaiser Qureshi s/o Abdul Bari ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr V.S. Gaikar, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd October, 2015

ORAL ORDER :

By the present application, the applicants seek their release on pre-arrest bail, in connection with C.R. No.I-222 of 2015, registered with City Chowk Police Station, Aurangabad, for offences punishable under sections 420, 143, 147, 149, 323, 387, 467 and 471 of the Indian Penal Code.

2. Perused the first information report. It is the case of the prosecution against the present applicants that the complainant was threatened by them, in relation to one of the matters, in which he has put in his appearance as a Lawyer, pertaining to grant of bail and also have tried to extort an amount of Rs.5,00,000/- from the complainant.

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3. Learned Counsel appearing on behalf of the applicants, while trying to make out a case for grant of bail, would urge that before filing of the first information report by the complainant on 3rd August, 2015, the present applicant no.1 had already filed first information report on 20th February, 2014, for the incident alleged to have taken place between 17th October, 2012 and 24th July, 2013, on the basis of which C.R. No.I-78 of 2014, had been registered against the complainant herein and others. According to him, the complainant Advocate is named as accused no.9 in the said crime. According to the applicants, there also exists a civil dispute between the parties, in relation to the factory premises of the present applicants, which is pending before the learned Civil Court, in which the complainant is involved. Apart therefrom, it is the case of the present applicants that they have initiated a complaint case under section 156 (3) of the Code of Criminal Procedure against the complainant and to give counter blast, the present first information report is registered. The applicants then submit that their custodial interrogation is not required in the present case. They, therefore, prayed for release on bail, in the event of their arrest.

4. Learned Addl. Public Prosecutor, while opposing the application, would urge that there are eye-witnesses to the incident in question and custodial interrogation of the applicants is necessary, as there is *prima facie* involvement of the applicants in the crime in question. According to her, the application of the applicants is liable to be rejected.

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5. Having perused the case papers, it is not in dispute that the complainant is an accused in C.R. No. I-78 of 2014 and there exists a civil dispute between the parties, which is already pending before the competent Civil Court. Apart therefrom, it is also required to be noted that "B" summary was already filed against the present applicants, at the behest of the complaint lodged by one Sajed Mohammad, which is pending adjudication. Learned Counsel would urge that the criminal proceedings, which were initiated by the present applicants, were subject to challenge under section 482 of the Code of Criminal Procedure before the Division Bench of this Court and the Division Bench has dismissed the petition preferred by the complainant. In addition to above, in view of the order granting pre-arrest bail to the complainant, a rider was put that, in case the Division Bench decides the case against the complainant, the applicants would be at liberty to move for cancellation of pre-arrest bail and as the applicants have moved an application for cancellation of bail, the present crime to give counter blast to the present applicants is moved, in which he is falsely implicated.

6. Having considered rival contentions, it is required to be noted here that in view of above referred background, there are various criminal and civil proceedings initiated by the rival parties against each other. It is not in dispute that the Division Bench of this Court has already rejected the application for quashing of first information report registered at the behest of the applicants against the complainant. It is not in dispute that the

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applicants herein have moved for cancellation of bail granted to the complainant, by initiating proceedings pursuant to liberty granted by this Court while granting pre-arrest bail in Criminal Application No.1318 of 2014, pursuant to order dated 14th March, 2014.

7. In view of above referred background and looking to the contents of the first information report, in my opinion, false implication of the present applicants, in the crime in question, cannot be ruled out. Apart therefrom, custodial interrogation in the present case will hardly be necessary.

8. In the light of what has been stated above, in my opinion, it will be appropriate to grant pre-arrest bail to the applicants. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-222 of 2015, registered with City Chowk Police Station, Aurangabad, for offences punishable under sections 420, 143, 147, 149, 323, 387, 467 and 471 of the Indian Penal Code, they be released on interim bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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