

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

CRIMINAL APPLICATION NO. 4591 OF 2015

- 1) Sk. Saber s/o Abdul Sattar,
R/o Hingoli, Tq. Dist. Hingoli.
 - 2) Sk. Sohel s/o Sk. Salim,
R/o As above
- ...Applicants

versus

The State of Maharashtra,
Through Police Station,
Hingoli (T), Tq. & Dist. Hingoli.

...Respondent

WITH

CRIMINAL APPLICATION NO. 4807 OF 2015

Ibrahim Khan S/o Ismail Khan Pathan

...Applicant

versus

Shaikh Saber s/o Abdul Sattar & anr.

...Respondents

.....

Mr. S. B. Bhapkar, Advocate for applicant
Mrs. M. A. Deshpande, A.P.P. for respondent/State
Mr. H. I. Pathan, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 4th SEPTEMBER, 2015

ORAL ORDER :

1. Criminal Application No. 4807/2015 filed by original complainant to assist A. P. P. is allowed.

2. The applicants are seeking pre-arrest bail in Crime No. 88 of 2015 registered with Police Station, Hingoli (Town) for the

offence punishable under Section 307, 324, 120(B), 143, 147, 148, 149 of Indian Penal Code and under Section 5 (I)(C), 27(1) of Arms Act.

3. So far as the complainant No. 1 is concerned, the accusation made against made against him, is that he has assaulted the complainant with iron rod, whereas the applicant No. 2 has used sword in commission of crime. The perusal of injury certificate reflects that, prima facie use of above referred weapons, was very much established.

4. There is one more reason for rejection of the bail application is a similarly placed application bearing Criminal Application No. 3732/2015 was rejected by this Court on 28/07/2015.

5. Learned Counsel for the applicants would urge that, applicant No. 2, who has used sword in commission of crime is a public servant and will not ran away. It is required to be noted that, the said accused is working in the Police Department, and there is, prima facie, evidence is available against him.

6. In view of above, the application stands rejected.

[N.W. SAMBRE, J.]