

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

CRIMINAL APPLICATION NO. 5149 OF 2015

1. Shaikh Ajmoddin Shaikh Ahmed,
Age: 50 years, Occ: Agri.,
R/o. Pimpala (Rohi), Tq. Wadwani,
Dist. Beed.
2. Shaikh Khaja Shaikh Ahmed,
Age: 53 years, Occ: Agri.,
R/o. Pimpala (Rohi), Tq. Wadwani,
Dist. Beed.
3. Shaikh Fatru Shaikh Rustum,
Age: 55 years, Occ: Agri.,
R/o. Pimpala (Rohi), Tq. Wadwani,
Dist. Beed.
4. Shaikh Mubarak Shaikh Mainuddin,
Age: 35 years, Occ: Agri.,
R/o. Pimpala (Rohi), Tq. Wadwani,
Dist. Beed.

...Applicants

versus

The State of Maharashtra,
through Police Station, Wadwani,
Tq. Wadwani, Dist. Beed.

...Respondent

...
Mr. N.B. Khandare, Advocate for the applicants
Mr. R.B. Bagul, Addl. Public Prosecutor for respondent
...

CORAM : N.W. SAMBRE, J.

DATE : 26th OCTOBER, 2015

ORAL ORDER :

Learned Counsel for the applicants makes motion that
he shall not press the prayer for release on bail, at the behest of

applicant Nos. 1 and 2, as such, the application at the behest of applicant Nos. 1 and 2 is dismissed, as withdrawn.

2. So far as applicant Nos.3 and 4 are concerned, they are seeking pre-arrest bail in Crime No. 68/2015 registered on 13/08/2015 at Wadwani Police Station, District Beed for an offence punishable under Sections 307, 147, 148, 149, 324, 323, 109 of the Indian Penal Code and under Section 4/25 of the Arms Act.

3. It is case of the applicants that there is counter complaint preferred by the group member of the applicants against the complainant resulting into registration of Crime No. 69/2015 for the offence punishable under Sections 397, 307, 452, 147, 148, 149, 336, 324 of the Indian Penal Code and under Section 4/25 of the Arms Act. According to them, in view thereof, implication of the applicants falsely in the crime in question cannot be ruled out.

4. While opposing the bail application, learned A.P.P. would urge that because of conduct of the applicants, there will be breach of law and order and in case the applicants are granted protection, the field situation might be aggravated. In addition to above, he would urge that there is *prima facie* evidence available against the applicants as regards involvement of crime, in view of the statement

of eye witnesses and as such, prayed for rejection of the bail.

5. Perused the contents of the F.I.R. So far as applicant Nos. 3 and 4 are concerned, there are allegations about use of iron bar for the purpose of commission of crime. The medical papers depict that the accused persons suffered simple injuries because of hard and blunt object and the complainant suffered injuries by sharp weapon which was specifically attributed to Shaikh Samir Shaikh Fatru, who is not before this Court.

6. In the light of above, as there are counter complaints preferred by two group against each other and there are sweeping allegations against the applicants, it will be appropriate, in my opinion to order the release of the applicant Nos. 3 and 4 on bail. Hence, I propose to pass the following order :-

In the event of arrest, applicant Nos. 3 and 4 be released on bail, upon executing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount by each of them, in connection with Crime No. 68/2015 registered on 13/08/2015 at Wadwani Police Station, District Beed for an offence punishable under Sections 307, 147, 148, 149, 324, 323, 109 of the Indian Penal Code and under Section 4/25 of the Arms Act. Till filing of the charge sheet, the applicants shall keep themselves away from the

jurisdiction of the concerned police station, but for the investigation purpose.

7. The application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/26.10.15