

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

CRIMINAL APPLICATION NO.5391 OF 2015

1. Shaikh Kalim s/o Shaikh Sandu,
Age 38 years, Occu. Agri.,
2. Shaikh Sandu s/o Shaikh Mohammad,
Age 66 years, Occu. Agri.,

Both R/o Karkin Taluka Paithan,
District Aurangabad

..Applicants

Versus

- . The State of Maharashtra,
at the instance of MIDC Paithan
Police Station, Dist. Aurangabad

..Respondent

Mr A.K. Bhosale, Advocate for applicants
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 12th October 2015

PER COURT

Heard learned Counsel for the applicants.

2. The applicants are booked for offence punishable under Sections 395, 397, 307, 323, 326, 452, 504, 506 of Indian Penal Code, under Section 3/25 of the Arms Act and under Section 135 of the Bombay Police Act in Crime No.I-67 registered at the behest of one Shaikh Ayyub Shaikh Vajir at MIDC Paithan Police Station, Taluka Paithan, District Aurangabad.

3. The allegations against the present applicants are that Shaikh Sandu, applicant No.1 has used iron rod for assaulting the complainant, while applicant No.2 has used knife for assaulting one Kasam.

4. There is no medical evidence on record to depict that the applicants have committed the crime in question.

5. Apart from above, it is noticed that there are counter complaints, as is apparent from Crime No.66/2015, for the offence punishable under Sections 324, 452, 504, 506 read with sec. 34 of the Indian Penal Code and Crime No.65/2015, punishable under Sections 395, 397, 307, 326, 452, 504, 506 and under Section 3/125 of the Arms Act and under Section 135 of the Bombay Police Act. Hence, false implication cannot be ruled out.

6. In view of above referred background, it is appropriate, in my opinion to allow the present application. Hence, I proceed to pass the following order :

(I) In the events of their arrest, the applicants Shaikh Kalim son of Shaikh Sandu and Shaikh Sandu s/o Shaikh Mohammad be released on bail in Crime No.I-67/2015 registered at MIDC Paithan Police Station, District Aurangabad for the offence punishable under Sections 395, 397, 307, 323, 326, 452, 504, 506 of Indian Penal Code, under Section 3/25 of the Arms Act and under Section 135 of the Bombay Police Act, upon furnishing P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand) with one surety in the like amount, each.

(II) 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;

(III) The shall keep away themselves from the jurisdiction of concerned Police Station but for attending the investigating Officer.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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