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

CRIMINAL APPLICATION NO.5543 OF 2015

1. Tanvir s/o Rafik Shaikh,
- 2, Pradeep Dhondiram Malve ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Shaikh Mazhar A. Jahagirdar, Advocate for applicants;
Mr N.T. Bhagat, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd October, 2015

ORAL ORDER :

By this application, the applicants seek their release on bail, in the event of arrest, in connection with C.R. No.I-65 of 2015, registered with M.I.D.C. Paithan Police Station, Dist. Aurangabad, for offences punishable under sections 395, 397, 307, 326, 452, 504, 506 of the Indian Penal Code and sections 5, 3 and 25 of the Arms Act.

2. The prosecution case, in the first information report is that applicant no.1 herein, with the help of a knife, has caused an injury on left eye lid of the complainant, namely, Shaikh Sandu Shaikh Mohammad.

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3. While making out a case for grant of pre-arrest bail, Mr Jahagirdar, learned Counsel appearing on behalf of the applicants, would urge that at the behest of one of the members of the applicants group, namely, Shaikh Ayub Shaikh Vazir, C.R. No.I-67 of 2015 was registered against the complainant herein and others, on 19th July, 2015, for offences punishable under sections 395, 397, 326, 323, 504, 506, 307 of the Indian Penal Code. He would urge that the complainant in C.R. No.I-65 of 2015 is accused no.3 in the said crime. He would then urge that in view of above referred background, false implication of the applicants, cannot be ruled out and as such, sought their release on pre-arrest bail.

4. According to him, the other accused, who are some what similarly placed, are already ordered to be released on pre-arrest bail by this Court, by order dated 30th September, 2015, passed in Criminal Application Nos.4736 of 2015, 4464 of 2015 and 4952 of 2015.

5. While opposing the application, learned Addl. Public Prosecutor would urge that there are serious allegations against the applicants and with a view to recover the knife used in commission of the crime, custodial interrogation of the applicants is necessary.

6. I have perused the investigation papers, so also the contents of both the first information reports, i.e. in C.R. No.I-67 of 2015 and I-65 of 2015. It is not in dispute that the complainant in the crime, in which the applicants herein are seeking pre-arrest bail, i.e. C.R. No.I-65 of 2015, is an accused

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in C.R. No.I-67 of 2015, which is registered on the basis of the complaint lodged by one of the members from the group of the applicants. Apart therefrom, the investigation papers do not depict any injury to the complainant, caused by the applicants herein. At least, there is no medical evidence to that effect on the record.

7. In view of above, *prima facie*, false implication of the applicants cannot be ruled out, particularly in the background of registration of counter case against the complainant. In view thereof, in my opinion, it will be appropriate to grant pre-arrest bail to the applicants. Thus, the following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-65 of 2015, registered with M.I.D.C. Paithan Police Station, Dist. Aurangabad, for offences punishable under sections 395, 397, 307, 326, 452, 504, 506 of the Indian Penal Code and sections 5, 3 and 25 of the Arms Act, they be released on 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.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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