

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

CRIMINAL APPLICATION NO. 6072 OF 2015

Shaikh Harun s/o Shaikh Bashir

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri Girish S.Thigale (Naik), advocate for applicant
Shri U.S.Mote, A.P.P. for respondent/State

.....
WITH

CRIMINAL APPLICATION NO. 6127 OF 2015

Sayyad Babu s/o Balam Sayyad

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri G.J.Pahilwan, advocate for applicant
Shri U.S.Mote, A.P.P. for respondent/State

.....
AND

CRIMINAL APPLICATION NO. 6464 OF 2015

Rojekhan s/o Ajijkhan

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri R.S.Deshmukh, advocate for applicant
Shri U.S.Mote, A.P.P. for respondent/State

.....

CORAM : INDIRA K.JAIN, J.

DATED : 17th December, 2015

ORDER :

Here are the applications for regular bail in Crime No. I-135/2015, registered at Shillegaon Police Station, Taluka Gangapur, District Aurangabad for the offence punishable under Section 395 of the Indian Penal Code.

2] Heard Shri G.K.Thigale (Naik), Shri G.J.Pahilwan and Shri R.S.Deshmukh, learned counsel for applicants and Shri U.S.Mote, learned A.P.P. for respondent/State. Perused the papers of investigation.

3] One Ramkisan Annasaheb Sukase, resident of Palasgaon, Taluka Gangapur, District Aurangabad is the first informant. According to complainant, on 1.8.2015 he was at home. That time one person belonging to Pardhi community came and asked to accompany him for purchasing gold. Complainant collected Rs. 1 Lakh from his friend and accompanied that person on motor cycle. It is alleged that at around 12.30 mid night applicants and others beat complainant with slaps and fists. He was assaulted with sticks by 9-10 persons. Those persons cheated the complainant by showing forged and bogus gold and looted an amount of Rs. One Lakh.

4] Applications are resisted on behalf of prosecution on the ground that there is recovery of money from each of applicants and they have been identified during identification parade.

5] It is pertinent to note that complainant was accompanied by one person belonging to Pardhi community. He was instrumental in taking away complainant on motor cycle. No investigation has been conducted in that direction. The person from Pardhi community is neither an accused nor a witness.

6] Considering the nature of offence, manner of incident alleged in first information report and inaction on the part of investigating agency to trace the person from Pardhi community who was instrumental in taking away complainant on motor cycle, this Court is inclined to enlarge applicants on bail. Hence the following order.

ORDER

- (i) Criminal Application Nos. 6072, 6127 and 6464 of 2015 are allowed.
- (ii) Applicants Shaikh Harun, Sayyad Babu s/o Balam Sayyad and Rojekhan are released on bail in Crime No. I-135/2015, registered at Shillegaon, Taluka Gangapur, District Aurangabad, for the offence punishable under Section 395 of the Indian Penal Code, on furnishing of P.R. and S.B. of Rs. 25,000/- each.
- (iii) Applicants shall submit the residential address proof to the satisfaction of Trial Court.
- (iv) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.
- (v) Bail before the Trial Court.

(vi) Parties to act on the authenticated copy.

[INDIRA K.JAIN, J.]

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