

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

CRIMINAL APPLICATION NO. 6080 OF 2015

Akil Sheikh s/o Farukh Sk.,

Age : 25 years, Occu. Labour.,

R/o. Nagad Road Zopad Patti,

Chalisgaon, Tq. Chalisgaon,

Dist. Jalgaon.

... Applicant

VERSUS

The State of Maharashtra & Anr.

... Respondents

.....

Mrs A. N. Gore, Advocate for applicant

Mrs M. A. Deshpande, APP for respondent/State

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CORAM : **INDIRA K. JAIN, J.**

DATE : **3RD DECEMBER, 2015.**

PER COURT:

. Here is an application for pre-arrest bail in Crime No. 273 of 2015 registered at Chalisgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 326, 325, 144, 341, 323, 504, 506, 427 of the Indian Penal Code.

2. Heard Mrs A. N. Gore, learned counsel for applicants and Mrs M. A. Deshpande, learned APP for respondent/State.

3. Prosecution case as can be seen from FIR is that on 02.10.2015 at around 11:00 a.m. quarrel took place as nephew of Jakir Shaikh Farooq had taken photographs of niece of informant Asifkhan Jabbar Khan.

4. On 03.10.2015 at 1:30 in the night when informant Asifkhan was going on motorcycle along with his friend Usib Shaikh they were obstructed by applicant and three others near Saikrupa Hotel on Nagad road. Informant and his sister Farzanabano were assaulted by all the four.

5. So far as the role attributed to applicant is concerned it is alleged that he assaulted informant with an Iron pipe on his back and chest. Applicant also assaulted Farzanabano on her left leg and hand. Both sustained injuries. Farzanabano also sustained dislocation of left leg joint. According to informant they were abused and beaten with kicks and fists and the assailants caused damage to Auto Rickshaw of Altaf brother of informant.

6. In FIR specific role is attributed to applicant. Injury certificates of informant and his sister Farzanabano co-relate to FIR. Four eye-witnesses support the incident narrated in FIR. In this premise applicant does not deserve protection under Section 438 of the Code of Criminal Procedure. Hence the following order.

ORDER

Criminal Application No. 6080 of 2015 is rejected.

**[INDIRA K. JAIN]
JUDGE**

sgp