

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

CRIMINAL APPLICATION NO. 6407 OF 2015

1. Shaikh Shabbir s/o Sk. Vajir,
Age: 72 years, Occu: Agril.,
R/o. Pimpla, Tq. Wadwani,
Dist. Beed
 2. Shaikh Alauddin s/o. Sk. Bashir,
Age: 30 years, Occu: Agril.,
R/o. Pimpla, Tq. Wadwani,
Dist. Beed
 3. Shaikh Gani s/o. Sk. Rustum,
Age: 70 years, Occu: Agril.,
R/o. Pimpla, Tq. Wadwani,
Dist. Beed
- ...Applicants

versus

1. State of Maharashtra,
Through Police Station Wadwani,
Dist. Beed
 2. The Superintendent of Police
Beed, District Beed
- ...Respondents

.....
Mr. S. J. Salunke, Advocate for applicants
Mr. A. V. Deshmukh, A.P.P. for respondents
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CORAM : N.W. SAMBRE, J.

DATE : 17th DECEMBER, 2015

ORAL ORDER :

Mr. Salunke, learned Counsel for the applicants does not press the application for applicant No. 2. As such, the application of applicant No. 2 stands dismissed as not pressed.

2. So far as applicant No. 1 is concerned, perusal of the F.I.R. depicts that, applicant No. 1, by withdrawing key of the cupboard has removed amount of Rs. 4,00,000/- and also gold ornaments.

3. So far as applicant No. 3 is concerned, there are no specific allegations against him, but for sweeping allegations. There are 23 accused named in the F.I.R. in Crime No. 69/2015 in which the applicants are seeking pre-arrest bail. At the behest of the applicants, Crime No. 68/2015 is registered against the complainant for an offence punishable under Sections 307, 147, 148, 149, 324, 323 and 109 of the Indian Penal Code and under Section 4/25 of Indian Arms Act.

4. Mr. Salunke, learned Counsel for the applicants would urge that, the allegations against applicant No. 1 are completely improbable as from the investigation papers, it could be inferred that, the story of complainant of keeping Rs. 4,00,000/- in the cupboard, is unbelievable particularly having regard to the location of area in the drought affected region and also having regard to the financial status of the said party. According to him, there are sweeping allegations against the applicant No. 3.

5. Having perused the investigation papers, it is noted that, so far as applicant No. 1 is concerned against whom allegations

under Section 397 of Indian Penal Code are made, it is to be noted that, in view of counter offences and particularly the investigation papers, story of cash of Rs. 4,00,000/- at his house is completely unbelievable. So far as applicant No. 3 is concerned, there are sweeping allegations in the F.I.R.

6. In view of above, in my opinion, it will be appropriate, to grant pre-arrest bail to the applicants. Hence, I pass following order.

In the event of arrest, the applicant Nos. 1- Shaikh Shabbir Sk. Vajir and applicant No. 3- Shaikh Gani Sk. Rustum, be released on bail in connection with Crime No 69/2015 registered at Wadwani Police station, Dist. Beed for the offence punishable under Sections 397, 307, 452, 148, 147, 149, 336, 324, 504 and 506 of Indian Penal Code and under Section 4/25 of Indian Arms Act, upon furnishing P.R. bond of Rs.25,000/- with one surety in the like amount by each of them, and shall attend the concerned police station initially for four days from 21/12/2015 to 24/12/2015 in between 10-00 a.m. to 11-00 a.m. and thereafter as and when called for.

7. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]