

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

CRIMINAL APPLICATION NO. 337 OF 2016

1. Syed Gulab s/o Syed Indas,
Age: 65 years, Occ: Labour,
R/o. Ambhai Village, in front of
Jama Masjid, Tq. Sillod,
Dist. Aurangabad.
2. Syed Amin s/o Syed Gulab,
Age: 26 years, Occ: Labour,
R/o. Rehmaniya Colony,
Aurangabad, Tq. & Dist. Aurangabad.
3. Shaikh Iqbal s/o Shaikh Musa,
Age: 43 years, Occ: Labour,
R/o. Rajivgandhi Nagar, Khuldabad,
Tq. Khuldabad, Dist. Aurangabad. ...Applicant

versus

The State of Maharashtra,
(Through Police Inspector,
Ajintia Police Station,
Tq. Sillod, Dist. Aurangabad). ...Respondent

.....
Mr. Khizer Patel, Advocate for applicants
Mr. A.S. Shinde, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 4th FEBRUARY, 2016

ORAL ORDER :

Learned Counsel for the applicants, upon instructions,
not pressed for releasing applicant No. 1 Syed Gulab s/o Syed Indas
under Section 438 of the Code of Criminal Procedure, as such, application
as regards applicant No.1 stands dismissed as withdrawn.

2. Applicant Nos. 2 and 3 are seeking pre-arrest bail in Crime No.I-187 of 2015 registered on 13/12/2015 with Ajintha Police Station, Taluka Sillod, District Aurangabad, for the offence punishable under Sections 307, 326, 324, 143, 147, 148, 427 of Indian Penal Code.

3. Learned Counsel for the applicants, while trying to make out case for grant of bail, would urge that apart from delay of one day in lodging F.I.R., role attributed to applicants is in general. He would submit that there are omnibus statements against the applicants in F.I.R. and other investigation papers.

4. Learned A.P.P. opposed the application for grant of bail on the ground that grievous injury was caused to the father of complainant resulting in registration of crime for the offence punishable under Section 307 of Indian Penal Code, which is serious in nature. According to him, except applicants, all other accused are arrested.

5. In the above referred back ground, in my opinion, having regard to the role attributed to applicant Nos. 2 and 3 in the F.I.R. and other investigation papers, it will be appropriate to grant protection to applicant Nos. 2 and 3, particularly in the light of the fact that there is counter F.I.R. filed against the complainant being Crime No. I-185 of 2015 for the offence punishable under Sections 324, 143, 147, 148, 149, 323, 506 of Indian Penal Code, registered on 12/12/2015.

6. In view of above, the application stands allowed.

In the event of arrest, applicant No.2 Syed Amin s/o Syed Gulab and applicant No.3 Shaikh Iqbal s/o Shaikh Musa be released on bail, in connection with Crime No.I-187 of 2015 registered with Ajintha Police Station, Taluka Sillod, District Aurangabad, for the offence punishable under Sections 307, 326, 324, 143, 147, 148, 427 of Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. The applicants shall not enter the jurisdiction of concerned police station till filing the charge sheet but for investigating purpose.

[N.W. SAMBRE, J.]