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

CRIMINAL APPLICATION NO.380 OF 2016

1. Syed Khalil Ullah @ Mujaheed
Hussaini s/o Samiullaha;
2. Syed Qaiser Ali Syed Ahemad
Ali ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Sunil B. Jadhav, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.8 of 2016, registered with City Chowk Police Station, Aurangabad, for offences punishable under sections 365, 143, 323, 504, 506 and 427 of the Indian Penal Code and under sections 32-B and 39-A of the Bombay Money Laundering Act, 1946.

2. The incident is alleged to have taken place on 31st December, 2015, for which first information report has been lodged on 3rd January, 2016.

3. At the outset, Mr Jadhav, learned Counsel appearing on behalf of the applicants, upon instructions, does not press the application, to the

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extent of applicant no.1, namely, Syed Khalil Ullah @ Mujaheed Hussaini s/o Samiullah. Thus, the application, to the extent of applicant no.1, stands dismissed as not pressed.

4. So far as applicant no.2 Syed Qaiser Ali Syed Ahemad Ali is concerned, the offence is punishable under sections 365 and 143 of the Indian Penal Code. According to the learned Counsel appearing on behalf of the applicants, perusal of the first information report depicts delay of three days in lodging the same. He would then urge that no violent act is attributed to applicant no.2. According to him, custodial interrogation of applicant no.2 is not necessary.

5. Learned Addl. Public Prosecutor has opposed the application on the ground that CCTV footage depicts presence of applicant no.1, however, it does not depict presence of applicant no.2 at the time of the incident.

6. Apart from above, upon perusal of the contents of the first information report, it is noted that there is no specific role ascribed to applicant no.2 *qua* his involvement in the violent act, as alleged.

7. In that view of the matter, in my opinion, it will be appropriate to order release of applicant no.2 on pre-arrest bail. Thus, the following order :-

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The application to the extent of applicant no.1, namely, Syed Khalil Ullah @ Mujaheed Hussaini s/o Samiullah stands dismissed as not pressed.

In the event of arrest of applicant no.2 Syed Qaiser Ali Syed Ahemad Ali, in connection with C.R. No.8 of 2016, registered with City Chowk Police Station, Aurangabad, for offences punishable under sections 365, 143, 323, 504, 506 and 427 of the Indian Penal Code and under sections 32-B and 39-A of the Bombay Money Laundering Act, 1946, he be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Applicant no.2 shall attend the concerned police station, initially during the period from 1st February to 4th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Applicant no.2 shall keep himself away from the jurisdiction of the concerned police station till filing of the charge-sheet and shall not tamper with the prosecution evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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