

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

CRIMINAL APPLICATION NO. 1438 OF 2016

1. Mohammad Khalil Pasha
s/o Mohammad Ismail,
Age: 44 years, Occ: Business,

2. Mohammad Zubair Pasha
s/o Mohammad Khalil Pasha,
Age: 22 years, Occ: Student,

Both R/o. Madnoor,
Tq. & Dist. Nizamabad (T.S.)

...Applicants

versus

1. The State of Maharashtra,
Through Degloor Police Station,
Degloor, Tq. & Dist. Nanded.

2. Shivaji s/o Raju Gaykamble,
Age: 24 years, Occ: Labour,
R/o. Gautam Nagar, Degloor,
Dist. Nanded.

...Respondents

.....
Mr. G.R. Syed, Advocate for applicants
Mr. S.Y. Mahajan, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 14th JUNE, 2016

ORAL ORDER :

Applicant No.1 Mohammad Khalil Pasha s/o Mohammad Ismail was arrested and already released on regular bail, hence his application for grant of pre-arrest bail has rendered infructuous, as such, stands dismissed.

2. So far as applicant No. 2 Mohammad Zubair Pasha s/o Mohammad Khalil Pasha is concerned, he is seeking pre-arrest bail in Crime No. 14 of 2016 registered at Degloor Police Station, District Nanded, for the offence punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Lotteries (Control and Tax) and Prize Competitions (Tax) Act.

3. Perused the investigation papers. There is hardly any material to infer that the complainant has paid alleged instalments to applicant No. 2. Apart from above, the applicant has come out with a case of false implication and has relied upon the first information report registered with Nizamabad police station against Siddi Javeed Desai, in whose hotel, the complainant was sitting when he came to have got acquainted with the applicant and has paid alleged instalments.

4. In my opinion, looking to the nature of investigation as is carried out, false implication of the applicant in the crime in question cannot be ruled out.

5. In view of above, it will be appropriate, in my opinion, to

grant protection to applicant No.2. Hence, the following order:-

(i) In the event of arrest, applicant No. 2 Mohammad Zubair Pasha s/o Mohammad Khalil Pasha be released on bail in Crime No. 14 of 2016 registered at Degloor Police Station, District Nanded, for the offence punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Lotteries (Control and Tax) and Prize Competitions (Tax) Act, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) Applicant No. 2 Mohammad Zubair Pasha s/o Mohammad Khalil Pasha shall attend the concerned police station on 24th and 25th June, 2016 between 10-00 a.m. and 12-00 noon and thereafter as and when called by the Investigating Officer.

6. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]