

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

CRIMINAL APPLICATION NO. 1543 OF 2016

Shaikh Khalil Pasha Ahmed
Moiuddin and others

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....
Shri V.D.Gunale, advocate for applicants
Smt. R.K.Ladda, A.P.P. for respondent/State
.....

CORAM : INDIRA K.JAIN, J.

DATED : 26th April, 2016

ORDER :

This is an application for pre-arrest bail in Crime No. 16 of 2016, registered at Biloli police station, District Nanded, for the offences punishable under Sections 394, 323, 506 r/w 34 of the Indian Penal Code.

2] Heard Shri V.D.Gunale, learned counsel for the applicants and Smt. R.K.Ladda, learned A.P.P. for respondent/State. Perused the papers of investigation.

3] It can be seen from the first information report that on 11.2.2016 at around 3.00 p.m. first informant Shaikh Shakil had been

to petrol pump at Kasrali in a car of his friend Govind Nakade. After filling diesel he returned to Biloli and parked his car near hotel of Dr. Ankushkar and a pan stall. It is alleged that at that time applicants came near the car, pulled the complainant out of car and assaulted him with kicks, fists and a rod. Complainant became unconscious. When he regained consciousness he found that Rs.47,500/- cash was missing from his pocket and a gold ring weighing 5 grams was missing from his finger. He then reported the incident to police.

4] It appears that during investigation statement of Bajrangsinh Hanumansinh Thakur was recorded on 12.2.2016 in which he states that due to enmity between the parties incident of assault had taken place. He saw the incident of assault but did not see anyone taking away money and gold ring. It further appears from the papers annexed to the application that there is previous animosity between the parties as wife of applicant no.2 had lodged complaint against complainant. Political rivalry is also apparent from the record.

5] In the above premise, this Court is inclined to grant protection to the applicants and proceed to pass the following order.

ORDER

- (i) Interim protection granted vide order, dated 28.3.2016 is confirmed.

(ii) Criminal Application No. 1543 of 2016 is allowed in terms of prayer clause 'C'.

[INDIRA K.JAIN, J.]

dbm/crap1543.16