

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

CRIMINAL APPLICATION NO. 1710 OF 2016

Farukh s/o Umar Shaikh,
Age: 35 years, Occ: Labour,
R/o. Dongergaon, Tal. Sillod,
Dist. Aurangabad.

...Applicant

versus

The State of Maharashtra
through the Police Sub Inspector,
Police Station, Sillod (Rural),
Tq. Sillod, Dist. Aurangabad.

...Respondent

.....
Mr. S.N. Deshmukh, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 10th JUNE, 2016

ORAL ORDER :

Present applicant is seeking pre-arrest bail in Crime No. 29 of 2016 registered at Sillod (Rural) Police Station, District Aurangabad, for an offence punishable under Section 354, 143, 323, 504, 506 of Indian Penal Code and under Section 3(1)(x), 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act;

2. The application is strongly opposed by learned A.P.P. on the ground that there is an eye witness to the incident and specific

role is attributed to the present applicant.

3. After hearing respective Counsel, in my opinion, the applicant is entitled for pre-arrest bail in Crime No. 29 of 2016 registered at Sillod (Rural) Police Station, District Aurangabad, for an offence punishable under Section 354, 143, 323, 504, 506 of Indian Penal Code and under Section 3(1)(x), 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for the following reasons.

(a) The first came to be lodged on 22/02/2016 for an incident dated 20/02/2016. No explanation is offered for delayed first information report.

(b) The present applicant filed Regular Civil Suit No. 47 of 2016 against the complainant in the Court of Civil Judge, Junior Division, Sillod on 22/02/2016 for injunction and the complaint was also lodged by the complainant on the very same day, as such, false implication of the applicant cannot be ruled out.

(c) The mother of present applicant has already lodged a complaint against the complainant Indu resulting into registration of Crime No. I-68 of 2014 for an offence punishable under Sections

324, 504 read with Section 34 of the Indian Penal Code.

4. In this background, in my opinion, present criminal application deserves to be granted. Hence, the following order :-

(i) In the event of arrest, the applicant be released on bail, in connection with Crime No. 29 of 2016 registered at Sillod (Rural) Police Station, District Aurangabad, for an offence punishable under Section 354, 143, 323, 504, 506 of Indian Penal Code and under Section 3(1)(x), 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) The applicant shall attend the concerned police station initially on 18th and 19th June, 2016 between 10-00 a.m. and 12-00 noon and thereafter as and when called by the Investigating Officer.

5. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]