

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1778 OF 2016

1. Tabrez Ayubb Khan Pathan,
Age : 28 years, Occu. Business,
R/o Madani Colony, Near Kiradpura,
Near Central Naka, Aurangabad
2. Ramiz Ali Khan s/o Ibrahim Ali Khan,
Age : 28 years, Occu. Business,
R/o 46/47, Dilli Gate, Roza Baug,
Sadat Colony, Aurangabad

APPLICANTS

VERSUS

The State of Maharashtra,
through Investigating Officer,
Begumpura Police Station,
Tq. and District Aurangabad

RESPONDENTS

Mr. D.V. Soman, Advocate holding for
Mr. A.D. Soman, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 05/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants who are apprehending their arrest at the hands of Begumpura Police Station, District Aurangabad in Crime No. 29/2016, registered for the offence punishable under section 397 of the Indian

Penal Code, are praying for their release on bail, in the event of their arrest.

3. One Lumesb Laxminarayan Bakhdiya filed FIR with the Police, alleging therein that on 13th February, 2016, at about 6:45 pm, one car gave dash to his own car on the road. Thereafter, about 6-7 persons started abusing him. Out of them, the present applicants started beating him in the stomach with fighter. In the said incident, they also took away the gold necklace worth Rs.4000/-. They also bet other persons with hockey sticks and iron bar etc. They were also having a big chopper. In the said incident, one Shailesh received serious injury to his face. The registration number of the car was given in the complaint.

4. Mr. D.V. Soman, learned counsel for the applicants points towards the complaint earlier filed by the present applicant no.2 - Ramiz Khan Ibrahim Khan on the same day concerning the said episode. According to the said complaint, while 4 unknown persons were standing on the road, applicant no.2 - Ramiz gave horn to them to leave the road. At the same time, one motorcyclist came towards their car and started beating

the applicants. His 2-3 companions took applicant no.1 Tabrez forcibly out of the car and questioned him as to why he was manhandling son of Lacchu Pahilwan and started assaulting him with fighter, steel rod etc. and took away the amount. In the said incident, applicant no.1 - Tabrez was injured on his neck and serious injuries were caused to him. The mobile phone of said Tabrez was also taken away. On the basis of this complaint, the offence came to be registered.

5. Mr. D.V. Soman, learned counsel points towards the fact that the present applicant no.1 - Tabrez had received serious injuries internally and the operation record of United Ciigma hospital would show that applicant no.1 - Tabrex was required to go through the surgical procedure.

6. Learned A.P.P. on the other hand placed before me the copies of the investigation papers in the present crime which would show that Lumesh - the complainant had received blunt trauma to his head and chest. He submitted that as the serious allegations are made against the applicants, the present application be dismissed.

7. Considering the overall material on record, in my view, the custodial interrogation of the present applicants is not required. Hence, the following order:-

8. The interim protection granted by this Court to the applicants vide order dated 28th March, 2016, is hereby made absolute on the same terms and conditions.

9. Application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1778-2016