

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1865 OF 2016

- 1) Shahanawaz Mazid Pinjari,
Age : 34 years, Occu.: Labour,
R/o. Gazi Nagar, Nandurbar
- 2) Aarif Raheman Maniyar,
Age : 36 years, Occu.: Motor Mechanic,
R/o. As above
- 3) Shakil Shah Shabbir Shah,
Age : 36 years, Occu.: Social Worker,
R/o. At Bagwan Galli, Nandurbar .. Applicants

Vs.

- 1) The State of Maharashtra,
Through its Police Inspector,
Nandurbar City Police Station,
Dist. Nandurbar
- 2) The Superintendent of Police,
Nandurbar City Police Station .. Respondents

Mrs. Kazi, Advocate h/f. Mr. S.S. Kazi, Advocate for the applicants

Mr. U.S. Mote, A.P.P. for the respondent-State

Mr. H.V. Tungar, Advocate h/f. Mr. C.R. Deshpande, Advocate for assist to A.P.P.

CORAM : M.T. JOSHI, J.

DATE : 12/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Nandurbar City Police Station,

Dist. Nandurbar in crime no. 28 of 2016 for the offences punishable under section 307, 323, 504, 506 r/w. 34 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. Reading of the complaint and other material would show that the complainant has received grievous injuries to his head and eye. It is alleged that one Amjad Khan Mohammad Khan alias Guddu had assaulted him with a fighter. So far as applicant no.1 - Shahanawaz Mazid Pinjari is concerned, the allegations are that during the said incident, he has caught hold the injured while the rest of the applicants had assaulted the injured with fists and kicks.

4. Hearing from both sides would show that a complaint was already filed by another accused in the present case with an allegation that he was also assaulted.

5. Considering the injury certificate on record and finding that prima facie there is a case of active participation in the incident by applicant no.1 - Shahanawaz Mazid Pinjari, in my view, he can not be

released on anticipatory bail. So far as the rest of the applicants are concerned, considering the role allegedly played by them in the incident, their custodial interrogation would not be required.

6. In the result, the following order:-

7. The interim protection granted to the applicant no.2 - Aarif Raheman Maniyar and applicant no.3 - Shakil Shah Shabbir Shah, by this Court vide order dated 30/03/2016, is hereby made absolute on the same terms and conditions with additional condition that they shall not in any way attempt to influence the prosecution witnesses in any manner.

8. Application as regards applicant no.1 Shahanawaz Mazid Pinjari is hereby dismissed. Interim protection granted to him by this Court, vide order dated 30/03/2016 stands vacated.

9. Criminal Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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