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

CRIMINAL APPLICATION NO.2512 OF 2016

1. Salahuddin Ayyubi Hamidullah,
2. Zishan Akhtar Ataur Rahman ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr Pawan B. Pawar, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th June, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.37 of 2016, registered with Azad Nagar police station, Tq. & Dist. Dhule, for offences punishable under sections 406, 420, 468, 470 and 471 of the Indian Penal Code.

2. The complainant, who claims to be a painter by profession, performed second marriage with Sadiya. It is then claimed that Sadiya was in employment and after she started receiving salary from the institution, her behaviour was changed and differences ensued between the complainant, Sadiya and her family members.

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3. It is claimed the applicants took two wheeler of the complainant and sold it by practising fraud on him, resulting into registration of the crime in question.

4. Mr Pawar, learned Counsel appearing on behalf of the applicants, while trying to make out a case for grant of bail, submits that in view of differences as are reflected from the documents on record, false implication of the applicants in the crime in question cannot be ruled out. He would then submit that the complainant has involved his own son in the crime in question. There are disputes pending before the competent court in relation to maintenance and other proceedings between the complainant and the step-sister of applicant no.2, who is handicapped.

5. Learned Addl. Public Prosecutor opposed the application by relying upon the statement of the witness, namely, Akhlakh, who has processed the transfer of the vehicle. He would then submit that custodial interrogation of the applicants is necessary as there is difference in the signature on the document of transfer of the vehicle.

6. In response to the above, learned Counsel appearing on behalf of the applicants, upon instructions, volunteers that the applicants are ready and willing to give their specimen signatures as and when they are directed to attend the Investigating Officer.

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7. Having regard to already existing dispute between the complainant and the applicants and the fact that the applicants have volunteered to give their specimen handwriting/signatures to the Investigating Officer for the purpose of further investigation, in my opinion, custodial interrogation of the applicants is not necessary, particularly in view of the fact that applicant no.2 is the son of the complainant.

8. In view thereof, in my opinion, it will be appropriate to enlarge the applicants on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.37 of 2016, registered with Azad Nagar police station, Tq. & Dist. Dhule, for offences punishable under sections 406, 420, 468, 470 and 471 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station on 7th and 8th July, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer and shall also furnish their specimen handwriting/signatures and such other compliances as will be asked by the Investigating Officer in relation to the investigation.

The applicants shall not tamper with the prosecution witnesses/evidence.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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