

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2695 OF 2016

1] Azhar S/o Hakkani Shaikh

2] Irfan S/o Ismail Shaikh .. Applicants

Vs.

The State of Maharashtra .. Respondent

.....

Mr. Shaikh Mujtaba Gulam Mustafa, Advocate for the applicants

Mr. S.Y. Mahajan, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.

DATE : 17/06/2016

ORAL ORDER :

Heard.

2. The applicants are seeking bail in Crime no. 238 of 2016 registered at Gandhi Chowk Police Station, Dist. Latur for an incident dated April 9, 2016 for which the FIR came to be lodged on 10/4/2016.

3. The prosecution case is that the present applicants, armed with deadly weapons attacked Aslam Dastagir Shaikh and Nizam Tamboli.

4. The applicants were arrested on 11/4/2016.

5. Learned counsel for the applicants would strenuously urge that the applicants are falsely implicated in the crime. According to him, further custodial interrogation of the applicants is not necessary as there is no material on record to depict that the applicants were involved in the crime in question.

6. The application is opposed by learned A.P.P. by relying upon the investigation carried out till date.

7. Upon perusal of the record, it depicts that at the behest of accused/applicant no.1 - Azhar S/o Hakkani Shaikh, there is discovery under section 27 of the Indian Evidence Act of the weapons used in

the commission of crime. There are eye witnesses and statements of co-accused, connecting the applicants to the crime in question. As such, taking into account the material, for evaluating whether the investigation was carried out in right manner, custodial interrogation of the applicants is necessary. It is then to be noted that applicant no.1-Azhar S/o Hakkani Shaikh is also involved in two other crimes which are punishable under similar sections.

8. The investigation is in progress. In view thereof, application of applicant no.1-Azhar S/o Hakkani Shaikh is rejected.

9. So far as application of applicant no.2-Irfan S/o Ismail Shaikh is concerned, in my opinion, in the light of above observations and in absence of any criminal antecedent, he be released on bail in Crime no.238 of 2016 registered with Gandhi Chowk Police Station, Dist. Latur for the

offences punishable under section 307, 147, 148, 149 of the Indian Penal Code, under section 135 of the Bombay Police Act and under section 25(1) of the Arms Act, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

10. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-