

(1)

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

CRIMINAL APPLICATION NO.3151 OF 2016

1. Shaikh Hakim s/o Shaikh Anwar,
Age : 21 years, Occu. Labour,
2. Shaikh Shezad s/o Shaikh Anwar,
Age 40 yrs. Occ. Labour,
3. Taslim d/o Shaikh Anwar,
Age 30 yrs. Occ. Household,
4. Munni d/o Shaikh Anwar,
Age 20 yrs., Occ. Household,

All R/o Darga Mohalla, Basmath,
Tq. Basmath, Dist. Hingoli

..APPLICANTS

VERSUS

1. The State of Maharashtra
Through Police Station Basmath (City)
Tq. Basmath, Dist. Hingoli
2. The Superintendent of Police,
Hingoli

..RESPONDENTS

Mr S.R. Bagal, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 12th August, 2016

ORAL ORDER :

Heard.

2. By the present application under section 438 of the Code of Criminal Procedure, the applicants seek pre-arrest bail, in connection with C.R. No.46 of 2016, registered with police station, Basmath (City), Tq. Basmath, Dist. Hingoli, for offences punishable under sections 307, 504 read with section 34 of the Indian Penal Code.

(2)

3. *Prima facie*, upon perusal of the first information report, it could be inferred that the story narrated is improbable. Apart therefrom, the medical report reflects that no injury is suffered by the complainant out of commission of alleged crime.

4. Two accused, i.e. brother of applicant no.1 and his mother are already released on regular bail. In the above background, in my opinion, custodial interrogation of the applicants is not necessary.

5. In view thereof, ad interim protection granted by this Court, vide order dated 17th June, 2016, stands confirmed on the same terms.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj