

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

CRIMINAL APPLICATION NO.3653OF 2015

1. Syed Ghazi Javed s/o Syed Javed
Khadar, Age 31 years,
Occupation Business, R/o Kadrabad
Plot, Parbhani
2. Mohammed Shoeb s/o Abdul Hamid,
Age 32 years, Occu. Business,
R/o Shah Inayat Mohalla, Parbhani .. Applicants

Versus

- . The State of Maharashtra
through Police Station,
Nanalpeth, Parbhani .. Respondent

Mrs A.N. Ansari, Advocate for applicants
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th January 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.115/2015, registered at Nanalpeth Police Station, Parbhani on 6th June 2015 for the incident of same date, for the offences punishable under Sections 324, 506 read with 34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as 'Atrocities Act' for brevity).

3. It is not in dispute that at the behest of applicants, another crime bearing Crime No.114/2015, for the offences punishable under Sections 394, 324, 323, 504, 506 of the Indian Penal Code is under investigation in which the complainant herein is shown to be an accused.

4. Learned Counsel for the applicants, in view of the narrations in the F.I.R. would urge that in view of above background, false implication of the applicants cannot be ruled out. She would then urge that the application of provisions of Atrocities Act are also raises serious doubt in the present case, as the applicants herein have registered F.I.R. prior in point of time than that of complainant.

5. Learned A.P.P. while opposing the application made two fold contentions, (a) in view of bar under Section 18 of the Atrocities Act, this Court should not show indulgence; and (b) though this Court has ordered the applicants to co-operate in the investigation, the applications have failed to do so.

6. In my opinion, having regard to the contents of the F.I.R. in both the Crimes, i.e. Crime No.114/2015 and 115/2015, it is not in dispute that the F.I.R. of the applicants is prior in point of time than that of complainant. Apart from above, looking to the nature of allegations, false implication of the applicants cannot be ruled out. In view thereof, it will be appropriate to order release of the applicants. Hence, I proceed to pass the following order.

(i) In the event of their arrest in Crime No.115/2015, registered with Nanalpeth Police Station, District Parbhani. for the offences punishable under Sections 324, 506 read with 34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicants be released on bail upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-five thousand) with one surety in the like amount, by each of them.

(ii) The applicants shall attend the concerned Police Station on 11th, 12th and 13th January 2016 between 10.00 a.m. and 12.00 noon and thereafter, as and when called for by the Investigating Officer.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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