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

CRIMINAL APPLICATION NO.3923 OF 2016

1. Aasmabi Sharif Khatik,
2. Matin Shaikh Abdullah (Khatik),
3. Huzaipa Younus Shaikh (Khatik),
4. Yousuf Gulab Khatik,
5. Bablu Ansari @ Farook Anis Ansari ..APPLICANTS

VERSUS

1. The State of Maharashtra
2. The Deputy Superintendent of Police,
Dhule, District Dhule ..RESPONDENTS

Mr R.S. Shinde, Advocate holding for Mr N.L. Choudhari, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th July, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants are seeking pre-arrest bail, in connection with C.R. No.21 of 2016, registered with Azadnagar police station, Dhule, for offences punishable under sections 143, 147, 148, 149, 326 and 323 of the Indian Penal Code read with section 4/25 of the Arms Act.

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2. It is brought to my notice that apart from delay of two days in lodging the first information report, C.R. No.20 of 2016 was registered against the husband of the complainant for extortion and other offences punishable under sections 307, 143, 147, 148, 149, 323, 506, 427 of the Indian Penal Code read with section 4/25 of the Arms Act and under section 7 of the Criminal Amendment Act.

3. Learned Counsel appearing on behalf of the applicants, as such, submits that the applicants have been falsely implicated in the crime in question.

4. Learned Addl. Public Prosecutor submits that apart from common intention, specific role is attributed to applicant no.1 Aasmabi.

5. Having bestowed my thoughts to the submissions made, it is required to be noted that there is counter first information report vide C.R. No.20 of 2016 and in the present crime, there is unexplained delay in lodging the first information report.

6. Apart from above, but for applicant no.1 Aasmabi, the allegations in the first information report appear to be vague, though the complainant claims to have witnessed the incident in question.

7. In the above background, false implication of the applicants cannot be ruled out. In view thereof, in my opinion, it is appropriate to confirm the

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interim protection granted by this Court vide order dated 19th July, 2016. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.21 of 2016, registered with Azadnagar police station, Dhule, for offences punishable under sections 143, 147, 148, 149, 326 and 323 of the Indian Penal Code read with section 4/25 of the Arms Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.5,000/- with one surety in the like amount.

Till filing of charge-sheet, the applicants shall not enter the jurisdiction of the concerned police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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