

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

Criminal Application No. 4213 of 2016

District : Dhule

1. Shaikh Ibrahim Shaikh
Haji Gulab,
Age : 35 years,
Occupation : Business.

2. Shaikh Abdulla s/o. Shaikh
Haji Gulab,
Age : 40 years,
Occupation : Labour.

3. Shaikh Yunus s/o. Shaikh
Haji Gulab,
Age : 45 years,
Occupation : Labour.

All R/o. Aksan Nagar,
Wadjai Road, Dhule,
Taluka & Dist. : Dhule.

.. 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. Chaudhari, Advocate, for applicants.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor,
for respondent nos.1 and 2.*

.....

CORAM : A.M. BADAR, J.

DATE : 23RD AUGUST 2016

ORAL ORDER:

Applicants / accused in Crime No. 21/2016, for offences punishable under Sections 143, 147, 148, 149, 326, 323 of the Indian Penal Code and under Sections 4/25 of the Arms Act, by this application, are praying for pre-arrest bail.

2. Heard the learned Counsel for applicants / accused. He drew my attention to the FIR lodged by applicant no.1 Shaikh Ibrahim on 27.02.2016 and argued that in fact, injured Sattar Pinjari was extorting the amount from the owners of chicken shop and applicants are falsely implicated in the crime in question.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and injured Sattar Pinjari had suffered fracture injury.

4. Perused the FIR as well as cross FIR. Informant Shaikh Ibrahim reported Police on 27.02.2016, that Sattar Pinjari (injured) came to their shop and demanded an amount of Rs. 2,000/- towards *Hapta* for enabling them to run their

business. It is further averred by applicant no.1 Sk. Ibrahim in his FIR, that thereafter Sattar Pinjari and his associates assaulted persons from accused party.

5. As against this, informant in Crime No. 21/2016 - Shaminabi Sattar Pinjari alleged that on 27.02.2016, applicants formed an unlawful assembly and attempted to commit murder of her husband Sattar Pinjari.

6. Argument of the learned Counsel for applicants, that injured Sattar Pinjari is a person having criminal antecedents and he is now also lodged in prison, is not controverted by the learned Addl. Public Prosecutor. Prima facie, it appears that now Sattar Pinjari is discharged from the hospital and there is no possibility of aggravating the offence.

7. Considering the factual background in which the crime in question allegedly took place, in my considered view, custodial interrogation of the present applicant is not warranted. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, in the event of their arrest, be released on bail on their

executing P.R. Bond in the sum of Rs. 10,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) As a condition of this order, applicants shall attend concerned Police Station on 29th August 2016 and 1st September 2016, in between 11.00 a.m. and 01.00 p.m. and thereafter as and when reasonably called by the Investigating Officer for the purpose of investigation.

(d) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(e) Applicants shall not tamper with the prosecution evidence in any manner.

(f) Applicants shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

.....