

(1)

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

CRIMINAL APPLICATION NO. 4363 OF 2016

1. Muktar Haji Osman Patel @
Shaikh Mukhtar Shaikh Osman Qureshi,
Age: 54 years, Occu: Agril.
2. Achhu Haji Osman Patel @
Shaikh Ashpak Shaikh Osman Qureshi,
Age: 47 years, Occu: Driver
3. Haji Yunus Haji Osman Patel @
Shaikh Yunus Haji Shaikh Osman Qureshi,
Age: 55 years, Occu: Agril.
4. Shaikh Imtya @ Imtiyaz Haji Yunus Qureshi,
Age: 30 years, Occu: Business
5. Bablu Salim Qureshi @ Shaikh
Imran Shaikh Salim Qureshi,
Age: 32 years, Occu: Driver
6. Sabirkhan Anis Qureshi @ Sabir
Ahmed Anis Ahmed Qureshi,
Age: 32 years, Occu: Teacher
7. Majidkhan Anis Qureshi @
Shaikh A. Majid Shaikh Anis Qureshi,
Age: 34 years, Occu: Teacher
8. Muslim Haji Osman Patel @
Muslim Shaikh Osman Qureshi,
Age: 60 years, Occu: Nil
9. Vasim @ Vasimkhan Muslim Qureshi
@ Vasim Ahmed Shaikh Muslim,
Age: 33 years, Occu: Service

All R/o. Qureshi, / Kasai Mohalla,
Nandurbar,
Taluka and District Nandurbar

..APPLICANTS

VERSUS

1. The State of Maharashtra

(2)

2. The Police Inspector,
Nandurbar Town Police Station,
Nandurbar, District Nandurbar ..RESPONDENTS

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

CORAM : N.W. SAMBRE, J.

DATE : 12th August, 2016

ORAL ORDER :

Heard.

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.103 of 2016, registered with Nandurbar city police station, for offences punishable under sections 307, 143, 147, 148, 149, 339, 504 and 506 of the Indian Penal Code.

2. So far as applicants no.1 and 9, namely, Muktar Haji Osman Patel @ Shaikh Mukhtar Shaikh Osman Qureshi and Vasim @ Vasimkhan Muslim Qureshi @ Vasim Ahmed Shaikh Muslim are concerned, there is sufficient material on record to depict that they are *prima facie* involved in the crime in question with an attribution of specific role to them. The role attributed to them corresponds with that of the injuries suffered by the victim. The weapon used in commission of the crime is required to be recovered. Thus, the present application, to the extent of applicants no.1 and 9 stands rejected.

3. So far as the remaining applicants are concerned, the role attributed to them is only of presence and participation with the help of stones and bricks. However, there is no corresponding evidence, particularly in the spot panchnama. Thus, their involvement in the crime is under doubt.

(3)

4. In view thereof, I pass following order :-

The application, to the extent of applicants no.1 and 9, namely, Muktar Haji Osman Patel @ Shaikh Mukhtar Shaikh Osman Qureshi and Vasim @ Vasimkhan Muslim Qureshi @ Vasim Ahmed Shaikh Muslim, stands rejected.

In the event of arrest of applicants no.2 to 8, in connection with C.R. No.103 of 2016, registered with Nandurbar city police station, for offences punishable under sections 307, 143, 147, 148, 149, 339, 504 and 506 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants no.2 to 8 shall attend the concerned police station initially on 20th and 21st August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands partly allowed in above terms.

(N.W. SAMBRE, J.)

amj