

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

Criminal Application No. 4451 of 2016

District : Latur

1. Ashfak s/o. Hussain Shaikh,
Age : 65 years,
Occupation : Business.
2. Faruk s/o. Ashfak Shaikh,
Age : 28 years,
Occupation : Business.
3. Najma w/o. Ashfak Shaikh,
Age : 60 years,
Occupation : Household.
4. Nagma d/o. Ashfak Shaikh,
Age : 19 years,
Occupation : Student.

All R/o. Kranti Nagar,
Udgir, Taluka : Udgir,
District : Latur.
5. Nilophar w/o. Mainuddin Shaikh,
Age : 28 years,
Occupation : Household,
R/o. Samatha Nagar,
Udgir, Taluka : Udgir,
District : Latur.
6. Farukha w/o. Zulfekar Shaikh,
Age : 25 years,
Occupation : Household,
R/o. Kranti Nagar, Udgir,
Taluka : Udgir,
District : Latur.
7. Nazir s/o. Ganisab Shaikh,
Age : - ,
Musa Nagar, Udgir,
Taluka : Udgir,
District : Latur.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station Officer,
Udgir (Rural) Police Station,
Udgir, Taluka : Udgir,
District : Latur. .. Respondent.

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Mr. N.D. Kendre, Advocate, for applicants.

*Mr. S.M. Ganachari, Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 25TH AUGUST 2016

ORAL ORDER:

Applicants / accused in Crime No. 292/2016,
for offences punishable under Sections 498A, 326,
323, read with Section 34 of the Indian Penal,
registered with Udgir (Rural) Police Station, Taluka
Udgir, District Latur, by this application, are
praying for pre-arrest bail.

2. Heard the learned Counsel for applicants /
accused as well as the learned Addl. Public
Prosecutor for the respondent.

3. The learned Addl. Public Prosecutor opposed
the application by contending that allegations
against applicants are to the effect that they had

assaulted the informant and had subjected her to cruelty on account of demand of money. It is further argued that one of the applicants is second wife of husband of the informant.

4. Perused the FIR. The learned Addl. Public Prosecutor is unable to point out that the informant had suffered grievous hurt as defined by Section 320 of the Indian Penal Code. Rest of the offences, except the offence punishable under Section 498A of the IPC, are bailable. Considering the nature of allegations made against applicants, for the offence punishable under Section 498A of the IPC, their custodial interrogation is not warranted.

5. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The interim order dated 11th August 2016, granting ad interim anticipatory bail to the applicants, is confirmed on the same terms and conditions.

(c) In addition, 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.

(d) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, if any.

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

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

(A.M. BADAR)
JUDGE

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