

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4650 OF 2016

Safi Ahmed Sadruddin Peerjade,
Age : 35 years, Occu. Service,
R/o Peerjade Mohalla, Mehrun,
Jalgaon, Tq. & Dist. Jalgaon.

...APPLICANT.

VERSUS

The State of Maharashtra

...RESPONDENT.

. . .
Advocate for Applicant : Mr. Satej S. Jadhav.
APP for Respondent/State : Mrs. P. V. Diggikar.

. . .

CORAM : A. M. BADAR, J.

DATE : 24TH AUGUST, 2016.

PER COURT :

1] Heard learned counsel for the applicant / accused. He argues that, in the F.I.R., name of the accused is mentioned as Dr. Peerjade from hearsay information gathered by the informant. There are 400 persons by name Peerjade and present applicant is not a doctor by profession, nor he is practicing in medicine. It is further argued that, another F.I.R in respect of similar incident is lodged by police person Shivaji Dhumal when at the same time presence of person name Peerjade is shown at some different place.

2] Upon being asked, the learned APP on instructions

submits that there is nothing on record of investigation to show that Dr. Peerjade named in FIR is the same person known as Safi Ahmed Sadruddin Peerjade.

3] Perusal of the F.I.R. goes to shows that, informant Manish Kukreja, after getting information from others mentioned the name of person "Dr. Peerjade" as member of unlawful assembly which indulged in rioting at Golani Market. As the investigator is not certain as to whether the applicant is Dr. Peerjade, considering the nature of offence, custodial interrogation of the present applicant is not warranted. Even otherwise presence of one Dr. Peerjade is shown at Collector office at about 2:45 p.m. on the very same day on 24.6.2016 and in that crime, the applicant is already released on anticipatory bail. Hence the order:-

ORDER

- i) The application is allowed.
- ii) In the event of his arrest, in Crime No.100/2016 registered at Jalgaon City Police Station, for offences punishable under Section 295(A), 143, 147, 149, 427, 425, 323, 120(B) of Indian Penal Code and under Section 37(1)(3) of the Bombay Police Act, applicant / accused be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety of the like amount.

ii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iii) The applicant shall not tamper with the prosecution evidence.

iv) The applicant to attend concerned police station on 28th August, 2016 in between 11:00 a.m. to 1:00 p.m. and he shall cooperate the Investigating Officer in investigation of the crime in question till filing of the charge-sheet.

v) The applicant shall not repeat commission of similar type of offence in future.

vi) Issue notice to the Superintendent of Police, Ahmednagar and the learned Public Prosecutor. Learned A.P.P. waives service of notice.

vii) The application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE