

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

CRIMINAL APPLICATION NO.6009 OF 2015

Shaikh Aziz s/o Shaikh Ismail,
Age 21 years, Occu. Labour,
R/o Barkat Nagar, Parali,
Taluka Parali, District Beed

..Applicant

Versus

1. The State of Maharashtra
2. Superintendent of Police,
District Beed

..Respondents

Mrs U.S. Bhosale, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 11th January 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.149/2015, registered at Parali City Police Station, District Beed, for the offences punishable under Sections 307, 143, 147, 148, 149 of Indian Penal Code and under Section 4/25 of the Arms Act.

3. Learned Counsel for the applicant would strenuously urge that the applicant is neither specifically named in the F.I.R. nor any role is attributed to him.

4. According to her, name of the applicant was subsequently incorporated in the supplementary statements which were recorded later in point of time and as such, the applicant is entitled for protection.

5. Learned A.P.P. opposed the bail application on the ground that the applicant was the member of an unlawful assembly, who has disturbed the law and order situation at the business place resulting into the people running in different directions. He would then urge that name of the applicant though is not specifically mentioned in the F.I.R., however, there is specific mention about presence of another four persons at the place of incident. It is clarified that the applicant was present at the place of incident, as is apparent from the supplementary statements of various witnesses.

6. Having considered the investigation papers and the contents of the F.I.R., the fact remains that the applicant is named in the supplementary statement and as the effect of participation of applicant in the unlawful assembly in the matter of commission of crime in question, serious law and order problem arose at the busy business locality in the Parali town. The act of the applicant prima facie appears to be so as to deter the public by creating terror in the area.

7. As a consequence, it will be appropriate to reject the application. As such, application stands rejected.

(N.W. SAMBRE, J.)