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

CRIMINAL APPLICATION NO.6307 OF 2015

Shaikh Sadik Shaikh Kacharu & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Rameshwar F. Totala, Advocate for applicants;
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th January, 2016

ORDER :

By the present application, the applicants seek their enlargement on bail, in connection with C.R. No.I-131 of 2015, registered with Sillegaon police station, for offences punishable under sections 399 and 402 of the Indian Penal Code.

2. Mr Totala, learned Counsel appearing on behalf of the applicants does not press the application in respect of applicant no.4 Vishnu Gangaram Rathod. Thus, the application, to the extent of applicant no.4, stands dismissed as withdrawn.

3. So far as applicants no.1 to 3 are concerned, Mr Totala would urge that the investigation in the matter is complete and charge-sheet is also filed. According to the learned Counsel, applicants no.1 to 3 were arrested

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merely on suspicion. According to him, in the above referred background, further detention of applicants no.1 to 3 is no more necessary and thus, prayed to release them on regular bail.

4. The prayer is opposed by the learned Addl. Public Prosecutor on the ground that applicants no.1 to 3 are already accused in C.R. No.60 of 2015, registered with CIDCO police station, Aurangabad, for offence punishable under section 395 of the Indian Penal Code. According to him, the applicants appear to be habitual offenders and as such, they are not entitled to bail and the application, therefore, be rejected.

5. Having bestowed my thought to the submissions made and having perused the contents of the first information report and the charge-sheet, it is to be noted that applicants no.1 to 3 were arrested merely on suspicion.

6. There are two angles to the matter; (a) as regards applicants-accused felling of sandal trees and (b) offence registered against the applicants is punishable under sections 399 and 402 of the Indian Penal Code.

7. In view of above referred background, in my opinion, it will be appropriate to order release of applicants no.1 to 3 on bail. Thus, the following order :-

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Applicants no.1 to 3, namely, Shaikh Sadik Shaikh Kacharu, Munir Khan Rashid Khan and Tejrao Shriram Rathod, be released on bail, in connection with C.R. No.I-131 of 2015, registered with Sillegaon police station, for offences punishable under sections 399 and 402 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj