

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

CRIMINAL APPLICATION NO. 6323 OF 2015

1. Shaikh Altaf s/o Shaikh Mohamad
Age : 28 years, Occu. Business,
R/o. Datta Nagar, Gokunda,
Tq. Kinwat, Dist. Nanded.
2. Saikh Ahmed s/o. Saikh Mahamad,
Age : 28 years, Occu. Driver,
R/o. As above.
3. Shaikh Chand s/o. Shaikh Osman,
Age : 39 years, Occu. Business,
R/o. As above. ... Applicants

VERSUS

The State of Maharashtra & Anr. ... Respondents

.....
Ms Maya R. Jamdhade, Advocate for applicants
Mr S. Y. Mahajan, APP for respondent/State
.....

CORAM : N. W. SAMBRE, J.

DATE : 5TH JANUARY, 2016.

PER COURT:

. The applicants herein are seeking pre-arrest bail in Crime No. 114 of 2015 registered at Kinwat Police Station, Tq. Kinwat, Dist. Nanded for the offences punishable under Sections 452, 354, 506 read with 34 of the Indian Penal Code.

2. The learned Counsel for the applicants while trying to make out a case for pre-arrest bail would urge that the applicants are falsely implicated in crime in question. According to her, incident as narrated in the FIR is alleged to have occurred on 14th October, 2015 for which the complaint came to be registered on 29th October, 2015 and there is no any explanation as to why delay has caused in filing FIR. She further submits that only in order to counter blast to the earlier complaint registered at the behest of the present applicants against the complainant and one Datta vide Crime No. 106 of 2015 punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code, the present complaint is filed.

3. While opposing the application, learned APP would urge that the delay in lodging the FIR is explained and the fact remains if the applicants are released on bail, the investigation which is at preliminary stage, might hamper.

4. Having bestowed my thoughts to the submissions made, it is required to be noted that there exists civil dispute between the parties in relation to immovable property.

5. Upon the complaint by the applicants herein, already a crime came to be registered against the complainant vide Crime No.

106 of 2015. The eye-witness who is narrated in the FIR namely; Datta is also one of the accused in said crime No. 106 of 2015. Apart from the above, the fact remains the complainant is an elected Sarpanch, has caused delay in lodging FIR as she was afraid of the applicants.

6. In my opinion the said reason does not deserve any consideration. The applicants false implication in the crime in question in order to secure the social status of the complainant in the village cannot be ruled out. In view thereof, it will be appropriate in my opinion to grant bail to the applicant. Hence, I proceed to pass the following order.

ORDER

- (i) In the event of their arrest in Crime No. 114 of 2015 registered at Kinwat Police Station, Tq. Kinwat, Dist. Nanded for the offences punishable under Sections 452, 354, 506 read with 34 of the Indian Penal Code, the applicants Shaikh Altaf s/o Shaikh Mohamad, Saikh Ahmed s/o. Saikh Mahamad and Shaikh Chand s/o. Shaikh Osman be released on bail on their furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each, with one surety in the like amount.

- (ii) The applicants shall not enter the village till filing of the charge-sheet.
 - (iii) The applicants shall not tamper with the prosecution evidence.
 - (iv) The applicants shall attend the concerned Police Station on 12th, 13th and 14th January, 2016 and thereafter as and when called by the Investigating Officer.
7. Criminal Application stands allowed in above terms.

[N. W. SAMBRE]
JUDGE

sgp