

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

CRIMINAL APPLICATION NO.6694 OF 2016

- 1) Shaikh Chand s/o Shaikh Moiddin
- 2) Shaikh Salma w/o Shaikh Asif
- 3) Shaikh Nafisa w/o Shaikh Mushtak ... APPLICANTS

VERSUS

The State of Maharashtra
and another ... RESPONDENTS

.....
Shri S.S. Thombre, Advocate holding for
Shri P.S. Pawar, Advocate for applicants
Shri A.D. Namde, A.P.P. for respondents
.....

WITH

CRIMINAL APPLICATION NO.6289 OF 2016

- 1) Nehal Jameel Ahmed Shaikh
- 2) Jameel Ahmed Vajir
- 3) Shainaz Jameer Ahmed Shaikh ... APPLICANTS

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri N.S. Ghanekar, Advocate for applicants

Shri A.D. Namde, A.P.P. for respondents

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CORAM: A.S. CHANDURKAR, J.

DATED: 19th December, 2016.

ORAL ORDER :

1. The applicants in Criminal Application No.6694/2016 apprehend their arrest in Crime No.I-194/2016, registered at Chikalthana Police Station, Aurangabad for the offence punishable under Section 395 of the Indian Penal Code.

2. As per the First Information Report lodged by one Shaikh Jameel Ahmed, it is stated that, on 21/9/2016, present applicants along with some other persons had come to their house in context with an earlier incident dated 14/8/2016. It was stated that, applicant No.1 was holding a sword in his hand and he had threatened informant to withdraw the earlier complaint. The applicant Nos.2 and 3 are stated to have forcibly removed amount of Rs.50,000/- from the pocket of the informant. On that basis, aforesaid crime came to be registered.

3. The applicants in Criminal Application No.6289/2016 apprehend their arrest in Crime No.I-193/2016, registered at

Chikalthana Police Station, Aurangabad for the offence punishable under Sections 395, 504, 506 read with Section 34 of the Indian Penal Code. In that report, the information has been lodged by one Zakiya Shaikh Chand. It has been stated that, the present applicants and two others had come to the house of the informant and had threatened said informant. The applicant No.1 had thrown a stone at the house of the informant while other applicants had ransacked the house. The informant found that amount of Rs.50,000/- missing.

4. It is submitted by learned counsel for the applicants that, both the aforesaid reports have been lodged by the rival parties merely to settle scores amongst them. It is submitted that, the same are fall-out of an earlier offence registered under Section 307 of the Indian Penal Code being F.I.R. No.167/2016, dated 14/8/2016. Both the reports have been lodged on 24/9/2016 though the alleged incident had occurred on 21/9/2016. It is submitted that, the applicant No.1 in Criminal Application No.6289/2016 had been hurt in the earlier incident and had undergone necessary treatment. It was, therefore, submitted that, considering the background for which the aforesaid offence was registered, protection deserves to be granted.

5. The applications are opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that, threats have been given by the applicants in both the applications to the opposite party. He submitted that, on perusal of the First Information Report and other material collected, it was clear that the applicants did not deserve any protection.

6. I have perused the police papers and other documents placed on record. The same indicate that, initially on 14/8/2016, Crime No.167/2016 came to be lodged by applicant No.1 Nehal Jameel Ahmed Shaikh. The said informant was injured in an attack and was required to undergo treatment. Perusal of the rival reports indicates that, threats are alleged to have been given by both the sides to the opposite side. Amount of Rs.50,000/- is stated to have been lost by both the informants. Further, though both the alleged incidents are stated to have occurred on 21/9/2016, the reports have been lodged after three days on 24/9/2016. Considering the background in which both the parties have lodged rival reports containing somewhat similar statements, I find a case for grant of protection to the applicants.

7. In the event of arrest of the applicants in Criminal

Application No.6694/2016 in Crime No.I-194/2016, registered at Chikalthana Police Station, Aurangabad for the offence punishable under Section 395 of the Indian Penal Code, the applicants shall be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount by each of them. The applicants shall attend the concerned police station on 27th December 2016 and thereafter as per directions of the investigating officer.

8. In the event of arrests of the applicants in Criminal Application No.6289/2016, in Crime No.I-193/2016, registered at Chikalthana Police Station, Aurangabad for the offence punishable under Sections 395, 504, 506 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount by each of them. The applicants shall attend the concerned police station on 28th December 2016 and thereafter as per directions of the investigating officer.

9. Both the Criminal Applications are allowed and disposed of.

10. It is made clear that the observations made in the

above order are prima facie for the purpose of deciding the present applications.

(A.S. CHANDURKAR, J.)

fmp/cr6694.16