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

CRIMINAL APPLICATION NO. 6806 OF 2015

Salimoddin Chiragoddin Shaikh

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr B.R. Warma, Advocate for applicant;

Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.205 of 2015, registered with Amalner police station, Amalner, Dist. Jalgaon, for offences punishable under sections 395, 436, 143, 145, 147, 149, 341, 114, 357 of the Indian Penal Code and under sections 37 (1) (3) and 135 of the Bombay Police Act.

2. Mr Warma, learned Counsel appearing on behalf of the applicant would urge that the applicant needs to be protected as his involvement in commission of the crime in question is to the extent of saving his own business. According to him, no direct overt act is ascribed to the applicant in commission of the serious offence as alleged. Thus, he prayed to grant pre-arrest bail to the applicant.

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3. Learned Addl. Public Prosecutor has opposed the application on the ground that after the applicant was protected by this Court, a non-cognizable offence is registered against him for giving threats to other member from his community.

4. Perused the investigation papers. Though there appears to be substance in the submission of the learned Addl. Public Prosecutor that after the applicant was protected, he has given threats to a member from his community alleging that he is an informer of police, subsequently the said person has communicated in writing to the Investigating Officer that the said complaint was preferred out of misunderstanding.

5. Upon perusal of the investigation papers, it is noted that the applicant's handcart wherein he was doing business of sale of coconuts was damaged, perhaps was a cause for his presence at the scene of the offence.

6. Although the past history of the applicant depicts two crimes against him, yet those crimes do not appear to be similar to the one alleged in the present case. In view thereof, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.205 of 2015, registered with Amalner police station, Amalner, Dist.

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Jalgaon, for offences punishable under sections 395, 436, 143, 145, 147, 149, 341, 114, 357 of the Indian Penal Code and under sections 37 (1) (3) and 135 of the Bombay Police Act, he be released on bail, on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicant shall report the Investigating Officer initially from 8th to 11th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called for.

It is made clear that if similar type of offence is again registered against the applicant, it will be open for the Investigating Officer will be at liberty to move this Court for cancellation of bail in the present case.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj