

(1)

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

CRIMINAL APPLICATION NO. 238 OF 2017

1. Shaikh Pashu s/o Shaikh Rasul,
Age: 35 years, Occu: Tailor
2. Shaikh Musa s/o Shaikh Hamid,
Age: 35 years, Occu: Labour
3. Babu Kalu Shaikh,
Age: 40 years, Occu: Agri.
4. Shaikh Kalim s/o Shaikh
Bannemiya (Kallu Bannumiya Shaikh),
Age: 40 years, Occu: Agri.
5. Shaikh Yunus s/o Shaikh Munir,
Age: 40 years, Occu: Agri.
6. Kalim Budhan Sayyed
(Kalim Budhan Shaikh),
Age: 35 years, Occu: Agri.
7. Sayyed Abdul Rahim s/o
Sayyedbhai Sayyed (Abdul Rahim),
Age: 45 years, Occu: Agri.
8. Abrar Shaikh s/o Hameed Shaikh
(Sonu Hameed Shaikh),
Age: 28 years, Occu: Labour
9. Pashu Shaikh s/o Naser Shaikh
(Babu Naser Shaikh),
Age: 27 years, Occu: Labour

All R/o Vihamandava, Tq. Paithan,
Dist. Aurangabad

..APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Pachod,
Tq. Paithan, Dist. Aurangabad

..RESPONDENT

(2)

Mr Sunil B. Jadhav, Advocate for applicants;
Mr V. S. Badakh, Addl. Public Prosecutor for respondent;
Mr A. R. Vaidya, Advocate to assist Addl. Public Prosecutor

CORAM : N. W. SAMBRE, J.

DATE : 31st January, 2017

ORAL ORDER

By this application under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.413 of 2016, registered with Pachod police station, District Aurangabad, for offences punishable under Sections 326, 324, 323, 506, 336, 427, 143, 147, 148 and 149 of the Indian Penal Code.

2. There are no criminal antecedents against the applicants.
3. The incident is alleged to have taken place on 25th December, 2016, when it is claimed that the applicants being members of an unlawful assembly, with common object have assaulted the complainant.
4. Perusal of the first information report and other material as is placed on record depicts that one Raju Raheman Shaikh and Pyaro Raheman are attributed specific role of use of weapons. So far as present applicants are concerned, there are general attributions against them of use of sticks, stones, etc. in commission of the crime in question.

(3)

5. There are no specific attributions against the applicants, but for mentioning of Section 149 of the Indian Penal Code against them.

6. Apart from above, it is to be noted that there exists a civil dispute between the parties and it is claimed by the complainant in the first information report that about 45 persons travelled in a jeep, came to his place and tried to assault him.

7. The story narrated in the first information report on the above referred issue is also required to be appreciated.

8. In the above backdrop, in my opinion, it will be appropriate to confirm the ad interim protection granted in favour of the applicants. I, therefore, pass following order:-

In the event of arrest of the applicants, in connection with C.R. No.413 of 2016, registered with Pachod police station, District Aurangabad, for offences punishable under Sections 326, 324, 323, 506, 336, 427, 143, 147, 148 and 149 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicants shall attend the Investigating Officer on 8th and 9th February, 2017, between 10.00 a.m. and 12.00 noon and thereafter as and when called for.

(4)

The applicants shall not take any steps to influence the prosecution witnesses or tamper the evidence.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj