

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

CRIMINAL APPLICATION NO. 311 OF 2017

1. Shaikh Khalid Shaikh Moheboob
2. Naeem Khan Rashid Khan
3. Shakil Amir Miya Ansari

All r/o Indiranagar, Pathri,
Taluka Pathri, Dist. Parbhani

.. Applicants

Versus

- . The State of Maharashtra,
through the Investigating Officer,
Police Station, Pathri,
Taluka Pathri, District Parbhani

.. Respondent

Mr M.P. Tripathi, Advocate for applicants
Mr R.V. Dasalkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th February 2017

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in C.R. No.363/2016, registered at Pathri Police Station, District Parbhani, for the offences punishable under Sections 436, 326, 324, 427, 147, 148, 149, 323, 504 of the Indian Penal Code, under Sections 7 and 8 of the Protection of Children from Sexual Offences Act and under Section 135 of the Bombay Police Act.

3. The applicants are not named in the first information report, however, the supplementary statement came to be recorded after a period of about a week i.e. on 8th November 2016 naming the present applicants of actually participating in the crime in question.

4. In the statement dated 30th October 2010, eye witness Kajal Pawar though named the present applicants, however, she has stated that the faces of the applicants were covered, still she identified them. Prima facie, the story appears to be unbelievable as regards participation of the applicants.

5. There is no injury certificate placed on record. In view thereof, ad interim protection ordered by this Court on 20th January 2017 is confirmed on the following terms:

(I) In the event of arrest of the applicants, in connection with C.R. No.363 of 2016, registered with Police Station Parthri, Taluka Pathri, District Parbhani, for offences punishable under Sections 436, 326, 324, 427, 147, 148, 149, 323, 504 of the Indian Penal Code, Sections 7 and 8 of the Protection of Children from Sexual Offences Act and Section 135 of the Bombay Police Act, they be released, on each of them furnishing P.R. bond of Rs.15,000/- with one or two sureties in the like amount.

(II) The applicants shall attend the Investigating Officer as and when called for.

(III) The applicants shall not influence the prosecution witnesses and shall not tamper with the prosecution evidence.

6. The fact that the injury certificate is not produced by the Investigating Officer during course of hearing of the present application be brought to the notice of Superintendent of Police, Parbhani.

7. Criminal Application stands allowed accordingly.

(N.W. SAMBRE, J.)

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