

(1)

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

CRIMINAL APPLICATION NO. 1071 OF 2017

1. Shaikh Shakil Shaikh Gulab Quraishi,
Age: 26 years, Occu: Agriculture,
resident of Jawla Bazar,
Taluka Aundhanagnath,
District Hingoli
 2. Shaikh Salim Shaikh Gulab Quraishi,
Age: 25 years, Occu: Agriculture,
resident of as above
 3. Shaikh Nawab Shaikh Karim Quraishi,
Age: 45 years, Occu: Agriculture,
resident of Nalegaon, Taluka Aundhanagnath,
District Hingoli
- ..APPLICANTS

VERSUS

The State of Maharashtra,
through Police Inspector,
Hatta Police Station,
Taluka Aundhanagnath,
District Hingoli

..RESPONDENT

Mr A. N. Ansari, Advocate for applicants;
Mr S. N. Morampalle, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd March, 2017

ORAL ORDER

Heard.

2. By the present application under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.7 of 2017, registered with Hatta Police Station, Taluka

(2)

Aundha Nagnath, District Hingoli, for offences punishable under Sections 307, 143, 147, 148, 149, 342, 341 and 323 of the Indian Penal Code.

3. The bail is opposed by the learned Addl. Public Prosecutor on the ground that the victim has suffered simple injury and there is an eye-witness to the incident, namely, Shahnoor.

4. Perusal of the investigation papers reveals that the victim suffered a simple injury in the form of contusion. The weapons alleged to have been used are sword, knife and stick in the crime in question. There is mismatch to that of the injuries as is apparent from the contents of the injury certificate *qua* the weapon used.

5. Apart from above, there appears to be quite exaggeration in the statements of the witnesses. In view thereof, false implication of the applicant in the crime in question cannot be ruled out.

6. In the above background, the applicants deserve to be granted pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.7 of 2017, registered with Hatta Police Station, Taluka Aundha Nagnath, District Hingoli, for offences punishable under Sections 307, 143, 147, 148, 149, 342, 341 and 323 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.25,000/- with one or two sureties for the like amount.

(3)

The applicants shall attend the Investigating Officer on 11th and 12th March, 2017, between 10.00 a.m. and 12 noon and thereafter as and when called.

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

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj