

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

Criminal Application No. 01186 of 2017

District : Aurangabad

Amin Hamid Shaikh,
Age : 29 years,
Occupation : Labour,
R/o. House No.17, Julagiya,
Devali Parisar, Aurangabad. .. Applicant.

versus

The State of Maharashtra
(Through Mukundwadi
Police Station, Aurangabad). .. Non-applicant.

.....

Mr. N.S. Ghanekar, Advocate, for the applicant.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the non-applicant.*

.....

CORAM : T.V. NALAWADE, J.

DATE : 15TH MARCH 2017

ORAL ORDER :

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. 1258/2016, registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 324, 397, 427, 504, 506, read with Section 34 of the Indian Penal Code.

02. Heard both sides.

03. The crime was registered on the basis of complaint lodged on 05.12.2016 by one Rahul s/o. Dattatraya Bhadre, who is owner of one hotel. It is alleged that on 04.12.2016 at about 02.30 p.m. one Suleman Shaikh purchased chicken from his shop and when he demanded money, said Suleman Shaikh started giving abuses to the complainant. Thereafter, Suleman Shaikh stabbed the complainant by means of knife on his head thereby causing bleeding injury to the complainant. After that, Suleman Shaikh caused damage to table of the complainant and left the hotel by giving abuses to the complainant and threat to his life.

04. It appears that on 06.12.2016, statement of manager of the hotel was recorded and in the said statement, it is stated that on the day of the incident, Shaikh Suleman and his brother Shaikh Amin viz. present applicant had also come there and after the incident of assault on the owner, they took away mobile handset and cash amount of Rs. 2,000/- from counter of the hotel. The informant also in the supplementary statement took name of the present applicant.

05. It can be said that the versions of the complainant and his manager are totally inconsistent with each other. So far as involvement of the present applicant in the incident in question, papers of investigation show that the main accused Suleman

Shaikh is arrested and during investigation, mobile handset and weapon are recovered at his instance under Section 27 of the Evidence Act.

06. In view of nature of allegations and the investigation made till date, I do not find that the custodial interrogation of the present applicant is necessary for the purpose of investigation.

07. The Application is allowed.

(a) In the event of arrest of the applicant, in connection with Crime No. 1258/2016, registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 324, 397, 427, 504, 506, read with Section 34 of the Indian Penal Code, he be released on bail on his furnishing P.B. and S.B. of Rs. 25,000/- [Rupees twenty five thousand] on the following conditions :-

(i) The applicant shall attend the concerned Police Station on 19th March 2017, 26th March 2017, 02nd April 2017 and 09th April 2017, between 09.00 a.m. and 11.00 a.m. and he shall co-operate the Investigation Officer in investigation of the crime in question.

(ii) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in

(4)

Cri. Appln. No. 01186 of 2017

any manner whatsoever.

08. The Application stands disposed of
accordingly.

(T.V. Nalawade)
JUDGE

.....

puranik / CRIAPPLN1186.17