

(1)

Cri. Appln. No. 01206 of 2017 &
Cri. Appln. No. 01294 of 2017

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

Criminal Application No. 01206 of 2017

District : Aurangabad

Shaikh Nazir Shaikh Shanur,
Age : 28 years,
Occupation : Business,
R/o. Deolai Parisar, Satara,
Aurangabad, Dist. Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Begumpura,
Aurangabad, Dist. Aurangabad. .. Non-applicant.

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Mr. G.K. Naik-Thigle, Advocate, for the applicant.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for the
non-applicant.*

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With

Criminal Application No. 01294 of 2017

District : Aurangabad

Mujib s/o. Habib Shaikh @ Patel,
Age : 31 years,
Occupation : Business,
R/o. Plot No.5, Hanuman Nagar,
Garkheda Parisar, Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Begumpura, Aurangabad. .. Non-applicant.

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Cri. Appln. No. 01206 of 2017 &
Cri. Appln. No. 01294 of 2017

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Mr. M.R. Jadhav, Advocate, for the applicant.

Mr. S.J. Salgare, Addl. Public Prosecutor, for the non-applicant.

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CORAM : T.V. NALAWADE, J.

DATE : 20TH MARCH 2017

ORAL ORDER :

Applicants in both these applications are seeking their release on bail in connection with Crime No. 028/2017 registered with Begampura Police Station, District Aurangabad, for offences punishable under Sections 307, 341, 323, 143, 147, 148 and 149 of the Indian Penal Code.

02. Both sides are heard.

03. The crime is registered on the basis of report given by one Soheli Salim Bawajir against the applicants and others. Allegations are made that for compelling the complainant to transfer the landed property of plots, the incident took place and attempt on life of the complainant was made.

04. Today, the learned Addl. Public Prosecutor has produced a photo-copy of the report which is to be submitted by the Investigation Officer to the

Court of Judicial Magistrate (F.C.), Court No.12, Aurangabad. In the said report, the Investigation Officer has stated that he has formed opinion that there is no material against the applicants for filing charge-sheet and the request will be made to the learned Magistrate for making further orders under Section 169 of the Code of Criminal Procedure, 1973.

05. Thus, as per the Investigation Officer, there is virtually no material as against the present applicant to make out a case which can be filed for the aforesaid offences. Learned Addl. Public Prosecutor makes a statement that the said report will be submitted before the Magistrate within two days.

06. There are two parts which are to be complied under Section 169 of the Code of Criminal Procedure. In the first part, if the Investigation Officer finds that there is no sufficient evidence or reasonable grounds for forwarding the accused before the Magistrate, then the Investigation Officer may release the accused on executing a bond by the accused. The second part of the said Section prescribes the action on the part of the Judicial Magistrate (F.C.) to give opportunity to original complainant to have his say.

07. In the result, both Applications are

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allowed.

Applicants are directed to be released on bail in connection with Crime No. 028/2017 registered with Begampura Police Station, District Aurangabad, for offences punishable under Sections 307, 341, 323, 143, 147, 148 and 149 of the Indian Penal Code, on their execution P.R. & S.B. of Rs. 25,000/- [Rupees twenty five thousand] each, on the following conditions :-

(a) The applicants shall not contact any of the prosecution witnesses and they shall not tamper with the prosecution evidence in any manner whatsoever.

(b) The applicants shall not indulge into similar offences in future.

(c) The prosecution shall be at liberty to take action against the applicants if there is sufficient material against them.

(T.V. Nalawade)
JUDGE

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