

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

CRIMINAL APPLICATION NO. 3144 OF 2017

Tarmohammad Abbas Shaikh
and others

... Applicants

VERSUS

The State of Maharashtra & anr. ... Respondents

WITH

CRIMINAL APPLICATION NO. 3132 OF 2017

[Mohammad Amin Shaikh and others vs The
State of Maharashtra and another]

.....

Mr. Talekar and Associates, advocate for the
applicants

Mr. A.D.Namde, A.P.P for respondents

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CORAM : K.L.WADANE, J.

DATED : 23rd JUNE, 2017

O R D E R :

These are the applications filed under the
provisions of Section 438 of the Criminal
Procedure Code in connection with Crime No. 116 of
2017, registered at Sangamner City police station,

District Ahmednagar, for the offences punishable under Sections 307, 353, 323, 504, 143, 147, 148, 149 of the Indian Penal Code and Section 5(a) 1, 9, 3, 11 of the Protection of Animals from Cruelty Act and Section 37(1)(3) r/w 135 of the Bombay Police Act and Section 7 of Criminal Amendment Act.

2. It is alleged by the informant that the cattle were being brought to the village Kuran for slaughtering. Accordingly Mr. Omase, Police Inspector along with other police officers and complainant came to the cattle shed of Mohd. Amin Shaikh i.e. applicant no.1. It is further alleged that very soon mob gathered and caused injuries to the police men. According to the applicants, Mr. Omase had been to the village to demand illegal gratification from the villagers, however, when they refused, he tried to show that the present applicants and others have brought the cows for slaughtering purpose.

3. During the course of arguments, Ms Talekar, learned counsel for the applicants

pointed out the complaint submitted by the villagers to the Deputy Superintendent of Police at Sangamner and points out that the villagers have complained about the attack of police inspector Omase. She further points out the conversation of the villagers and the police officers recorded in video tape. She further points that the applicants are doing milk business, and therefore, false case is registered against the applicants.

4. I have gone through the contents of the first information report. The names of present applicants are specifically mentioned in the first information report. From the papers of investigation, it appears that the mob of 100 to 150 persons assaulted the police men. That goes to show that the applicants and other accused persons have no regard to the police men. Therefore, in view of specific allegations against each of the applicants and nature of the offence, it appears that custodial interrogation of the present applicants is needed.

5. Learned A.P.P. points out the medical certificate of one Ashok Murlidhar Supe. He is one of the police men, who received multiple injuries including one grievous injury. If at all there was no incident, then how this police officer has received injuries on his person. At this stage, there is no explanation to that effect.

6. Looking to the seriousness of the offence and the allegations against each of the applicants, the manner in which the applicants and other accused have assaulted policemen, I am of the opinion that the applicants are not entitled for anticipatory bail.

7. Ms Talekar, learned counsel for the applicants states that the injury certificate obtained by police officer is not from the Government Hospital. I do not find any reason for the police to obtain false and fabricated certificate, that too injury certificate in order to rope the present applicants in false case. According to Ms Talekar present complaint is filed

in order to counter earlier complaint made by the
villagers. Such submissions are not acceptable.
Hence, Applications are rejected.

(K.L.WADANE, J.)

dbm