

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2227 OF 2017

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| 1 | Shaikh Jainoddin S/o Shaikh
Mehmood, Age 52 years, Occ. Agri; | Applicants |
| 2 | Shaikh Aakhub @ Ayub S/o Shaikh
Mehmood, Age 48 years, Occ. Agri; | |
| 3 | Shaikh Jakir S/o Shaikh Mehmod,
Age 48 years, Occ. Agri;
All R/o. Samta Nagar, Kaij, Taluka
Kaij, District Beed | |

V E R S U S

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| 1 | The State of Maharashtra, Through
Police Station Kaij, Taluka Kaij,
District Beed | Respondent |
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Mr. N.B. Khandare, Advocate for the Applicants
Mr. S.B. Joshi, A.P.P. for the Respondent/State

CORAM : K.L. WADANE, J.

DATE : 12TH JUNE, 2017

ORDER :

1. Heard Mr. N.B. Khandare, learned counsel for the applicants and the learned A.P.P.
2. This application is filed under Section 439 of the Criminal Procedure Code seeking bail in

connection with Crime No.0168 of 2017, registered at Police Station Kaij, Taluka Kaij, District Beed, for the offence punishable under Sections 143, 147, 149, 323, 435, 504 and 506 of the Indian Penal Code.

4. Mr.Noorkhan Usman Pathan lodged the complaint to the Police Station Kaij, District Beed alleging that on 8th April, 2017 at about 09.00 a.m., there was scuffle between him and applicant No.1 on account of pending criminal matter in the Court. At about 02.00 p.m., present applicants and five to six unknown persons came to the house of the complainant with wooden sticks and stones they assaulted the complainant, his wife and other family members. They set on fire articles put at the said place.

5. Mr. Khandare, learned counsel for the applicants submits that there is litigation pending between the parties. During the course of investigation, the applicants are arrested and are kept in judicial custody. They are entitled to be released on bail.

6. Learned A.P.P. submits that with the applicants there were 5-6 other unknown persons who assaulted the complainant and others and set on fire the articles in their residence. It is submitted that further investigation in the matter is in progress.

7. Perused the application. In the present case, considering the allegations made against the applicants and other accused persons, further custodial interrogation is not necessary. Therefore, considering the nature of allegations, the applicants are entitled for bail. Hence, the following order :-

O R D E R

1. Criminal Application is allowed.
2. The applicants shall be released on bail in connection with Crime No.0168 of 2017, registered with Police Station Kaij, Taluka Kaij, District Beed, for the offence punishable under Sections 143, 147, 149, 323,

435, 504 and 506 of the Indian Penal Code on their executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) each with one solvent surety in the like amount.

3. The applicants shall not enter the situated vicinity where the house of the complainant is situated.
4. The applicants shall not tamper any prosecution witness.
5. Criminal application is disposed of.

(K.L. WADANE, J.)