

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2949 OF 2017

- 1 Jafar Shaikh Kalim @ Pappu, Age 30 years, Occ. Labour. ... **Applicant.**
- 2 Shakil Shaikh Nabi, Age 48 years, Occupation Labour.
- 3 Shahrukh Shaikh Kalim, Age 24 years, Occupation Labour.
- 4 Kalim Shaikh Amir, Age 32 years, Occupation Labour.
- 5 Rehan Shaikh Kalim, Age 22 years, Occupation Labour.
- 6 Farahan Shaikh Kalim, Age 24 years, Occupation Labour.
- 7 Hanib Shaikh Nabi, Age 45 years, Occupation Labour.
- 8 Shoyeb Shaikh Hanib, Age 24 years, Occupation Labour.
- 9 Avesh Shaikh Hanib, Age 22 years, Occupation Labour.

All R/o. Subhash Nagar, Waghadi,
Taluka Shripur, District Dhule.

V E R S U S

- 1 The State of Maharashtra. **Respondents.**
- 2 The Police Inspector, Shirpur
Town Police Station, District
Dhule.

Mr. C.C. Deshpande, Advocate for the Applicants
Mr. K. N. Lokhande, A.P.P. for the respondents/State

CORAM : K.L. WADANE, J.

DATE : 29th JUNE, 2017

ORDER :

1. Heard Mr. Deshpande learned counsel for the applicants and Mr. Lokhande, learned APP for the State.

2. One Saddam Shaikh lodged complaint in the police station Shirpur Town on 10.03.2017 alleging that, on 07.03.2017 at about 10 p.m. the present applicants No. 1 to 3 quarreled with the complainant. Applicant No. 2 Shakil Shaikh assaulted him with fist and kick blows. Similarly, the applicants No. 1 to 3 abused him, applicant No. 2 snatched gold chain of the informant, applicant No. 3 Shahrukh taken away cash amount of Rs. 5000/- from the pocket of the pant of the informant, and the allegations against the applicant No. 5 Rehan that, he assaulted to the brother of the informant by sharp weapon. The rest of the allegations against rest of the accused-applicants are in general about the assault by kick and fist blows. Furthermore, there is delay in filing the first information report. So also, there is counter

case regarding the same incident.

3. Looking to the nature of the allegations against each of the applicants, I am of the opinion that, custodial interrogation of applicants No. 2, 3 and 5 is needed. Since, the allegations about snatching of the gold chain, cash amount are very specific. There are specific allegations of assault by the applicant No. 5 to the brother of the informant. Since the allegations against other accused persons are vague and there are no allegations against them about the theft, there are no allegations about snatching of valuable property from any of the witnesses or the informant.

4. In view of the above, application is partly allowed.

5. In the event of arrest of the applicants No. 1, 4, 6 to 9 in connection with Crime No.74 of 2017, registered with Shirpur Town police station, District Dhule, they be released on bail on their furnishing P.R. bond of Rs.25,000/- (Rupees twenty five thousand only) with one surety in the like amount.

6. The above applicants-accused shall not tamper the evidence of the prosecution in any manner and to co-operate the further investigation.

7. Application of applicants No. 2, 3 and 5 is rejected.

8. Criminal application is disposed of.

(K.L. WADANE, J.)

mkd/-