

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

CRIMINAL APPLICATION NO. 2981 OF 2017

- 1] Ubed Daud Shaikh,
- 2] Shaikh Akib Mohammad,
- 3] Salim Johar Mohammad Shaikh,
- 4] Gayas Munir Pathan,
- 5] Amin Pirmohammad Shaikh,
- 6] Shaikh Asif Mohammad,
- 7] Shaikh Juned Fakir Mohammad,
- 8] Shaikh Abdul Rahim Shaikh,
- 9] Farukh Umar Salim Shaikh,
- 10] Shaikh Ali Mohammad Joher
Mohammad
- 11] Muddsar Akhil Shaikh,
- 12] Shaikh Salman Munir,
- 13] Shabir Dullemiya Deshmukh,
- 14] Shaikh Najir Gani,
- 15] Shaikh Mohsin Jabbar,
- 16] Shaikh Ashpak Dadahaji ... Applicants

VERSUS

The State of Maharashtra & anr. ... Respondents

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Mr. S.B.Talekar, advocate for the applicants

Mr. A.A.Jagatkar, A.P.P for respondents

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CORAM : K.L.WADANE, J.

DATED : 4th JULY, 2017

O R D E R :

Heard Mr. Talekar, learned counsel for the applicants and Mr. Jagatkar, learned A.P.P. for the respondent.

2. This is an application filed under the provisions of Section 439 of the Criminal Procedure Code in connection with Crime No. 116 of 2017, registered with Sangamner City police station, District Ahmednagar, for the offences punishable under Sections 307, 353, 147, 148, 149 of the Indian Penal Code and under Sections 5(a), 9, 3, 11 of the Protection of Animals from Cruelty Act.

3. It is alleged by the informant that the cattle were being brought to village Kuran for slaughtering. Accordingly, one Mr. Omase, Police Inspector along with other police officers reached near the spot of incident. 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 collect illegal gratification from the villagers, however, when they refused, he tried to show that present applicants have brought the cows for slaughtering purpose.

4. During the course of arguments, Mr.

Talekar, learned counsel appearing for the applicants submits that the applicants are behind bars since 45 days. They were available for investigation. They were in police custody for 14 days and thereafter they are remanded to judicial custody.

5. Mr. Talekar, learned counsel submits that injury certificate obtained by the police officer is not from Government Hospital. Further more, the injuries sustained to the police officer are minor in nature, and therefore, the applicants prayed for their release on bail.

6. Learned A.P.P. opposed the bail application mainly on the ground that other accused persons are still absconding and the weapons used in the crime are yet to be recovered.

7. The violent mob had assaulted the police men who were discharging their duties.

8. I have gone through the contents of injury certificate of policeman Mr. Supe, from which it appears that most of the injuries are minor in nature and only one injury is hairline fracture on

right maxilla.

9. Considering the fact that present applicants were available for interrogation and investigation to the extent of present applicants is already over, looking to the nature of allegations against the present applicants, I am of the opinion that they can be released on bail by putting certain conditions.

10. Hence, the following order.

(i) Criminal Application is allowed.

(ii) Applicants be released on bail in connection with Crime No. 116 of 2017, registered with Sangamner City police station, District Ahmednagar on furnishing P.R. bond of Rs. 10,000/- with one surety in the like amount.

(iii) Applicants shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

11. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm