

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

CRIMINAL APPLICATION NO. 3063 OF 2017

1. Altaf Khan s/o Sardar Khan Pathan ... **Applicants**
2. Shaikh Anavar s/o Sk.Lal (Misken)
3. Shaikh Sharif s/o Sk. Roshan
4. Qureshi Faisal s/o Qureshi Nabi
Sab
5. Shaikh Masarath s/o Sk. Lal
6. Khan Imran s/o Mukhtar Khan
7. Sayad Ishtiyak s/o Sayed Razzak
8. Sk. Khadir s/o Shaikh Khaja
9. Nadar Khan s/o Samandar Khan
All R/o Parli Vaijanath Tq. Parli
Vaijnath Dist. Beed

VERSUS

1. The State of Maharashtra ... **Respondents**
Through Parali City Police
Station, Dist Beed
2. Ganesh s/o Lalit Rathod,
Age 25 years, Occu: Business,
R/o Mohdara Tanda, Parli Vaijnath,
Dist. Beed.

Mr. S. P. Tilve, Advocate for the applicants

Mr. K. N. Lokhande, APP for the State.

Mr. S. S. Kulkarni, Advocate for respondent No.2

CORAM : K. L. WADANE, J.

DATE : 13th July, 2017

ORDER:

1. Heard Mr. Tilve, learned counsel for the applicant and Mr. K. N. Lokhande, learned APP for the State.

2. Present Criminal Application is filed under

section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.218/2017, registered with Parali City Police Station, Dist. Beed for the offences punishable under sections 326, 324, 336 143, 147, 148, 149, 323, 504, 506, 427 of the Indian Penal Code, 1860 and Section 25 of the Indian Arms Act.

3. I have gone through the contents of the first information report. Crime was registered on the basis of complaint lodged by complainant Ganesh Rathod. There are specific allegations against all the accused persons. Accused/applicant No.1 Altaf assaulted the informant with the help of iron road. Applicant No.2 Anavar assaulted the informant with the help of Sword. Rest of the accused i.e. applicant Nos. 3 to 9 assaulted the informant with kick and fist blows.

4. Looking to the specific allegations, supported with injury certificate, I am of the opinion that applicant Nos. 1 and 2 are not entitled for pre-arrest bail. However, the allegations against applicant Nos. 3 to 9 are relating to assault to the informant by kick and first blows. Nothing is to be recovered from applicant Nos. 3 to 9.

5. In view of the above circumstance, I am of the opinion that custodial interrogation of applicant Nos. 3 to 9 is not needed. Hence following order:

O R D E R

- i. Criminal application is partly allowed.
 - ii. Application for pre-arrest bail to the extent of applicant Nos. 1 and 2 is rejected.
 - iii. In the event of arrest of the applicant Nos. 3 to 9 in connection with Crime No. 218/2017, registered with Parali City Police Station, Dist. Beed, they shall be released on bail on their executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only] each, with one solvent surety in the like amount.
 - iv. Applicant Nos. 3 to 9 shall cooperate with the investigation.
6. Criminal application is accordingly disposed of.

(K. L. WADANE, J.)

JPC