

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3097 OF 2017

- 1 Shaikh Gulab Shaikh Akbar, Age 65 ... **Applicants.**
years, Occ. Labour,
- 2 Shaikh Hasan Shaikh Akbar, Age 63
years, occ. Labour.

Both R/o. Shiv Colony, Muslim
wada, Nimbhora Bd., Tq. Raver,
District Jalgaon.

V E R S U S

The State of Maharashtra, **Respondent.**
Through Police Inspector Nimbhora
Police Station .

Mr. P.S. Paranjape learned counsel for the Applicants
Mr. A.A. Jakatkar, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 06 th July, 2017

ORDER :

1. Heard Mr. Sapkal learned counsel appearing
for the applicants and Mr. Jakatkar, learned A.P.P.
appearing for the respondent-State.

2. Perused the papers of investigation
particularly, the first information report dated
04.04.2017 lodged by one Shaikh Babu Shaikh Munir, who

alleged that, on 04.04.2017 at about 11.30 a.m., for the purpose of measurement of the land, the informant and other witnesses had been to the field. At that time the present applicants along with other 28 persons assembled there and they started assaulting the informant, his wife and witnesses. It is further alleged that, the present applicants No. 1 and 2 have assaulted witness Gulab Shaikh by means of stick.

3. On the basis of the information given by the informant offence came to be registered at Cr. No. 22/2017 with Nimbora police station District Jalgaon.

4. Mr. Paranjape, learned counsel appearing for the applicants points out the copy of the first information report given by one Juber Khan Ajij Khan i.e. accused No. 6 in the present crime. On perusal of the same it appears that, the accused No. 6 in the present crime has filed complaint on 04.04.2017 first time i.e. too at about 14.44 hours with specific allegations against the informant and other witnesses.

5. On perusal of both the complaints, it is seen that, the incident took place. However, from the

allegations in the first information of the present case, it appears that, those are absolutely vague, made against in all 30 accused persons about abuses and assault. Particularly, the statement is made by the informant in his complaint that, the applicants No. 1 and 2 assaulted one Gulab Shaikh by means of stick. Logically, it is impossible to have an assault by two persons with one stick. Therefore, the statement to that effect is absolutely vague. There are no act independently attributed to the present applicants.

6. From the perusal of the medical certificate of Gulab Shaikh, it appears that, there are two injuries caused by hard and blunt object and the nature of the injuries is simple. Considering the fact that, there are no specific allegations against the present applicants and the fact that one of the accused in the present crime namely Juber Khan filed a complaint regarding same incident that too first in time, in such circumstances, the applicants can be protected from their arrest. Hence, pass following order.

O R D E R.

- (1) Application is allowed.
- (2) In the event of arrest of the applicants in connection with Crime No.22 of 2017, registered with Nimbhora Police Station District Jalgaon, they be released on bail on their furnishing P.R. bond of Rs.5,000/- (Rupees fifteen thousand only) each, with one surety in the like amount.
- (3) The applicants-accused shall not tamper with the prosecution evidence in any manner.
- (4) The applicants shall attend the police station once in a week i.e. on Monday between 10 a.m. to 12 noon, till filing of the charge-sheet.
- (5) Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-