

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3161 OF 2017

- 1 Sk. Raufuddin Sk. Shafiuddin, Age ... **Applicants**
63 years, Occ. Business,
- 2 Sk. Azharuddin Raufuddin, Age 32
years, Occ. Business.
- 3 Sk. Niyazuddin Sk. Shafiuddin,
Age 53 years, Occ. Business.
- 4 Sk. Muzammil Sk. Niyazuddin, Age
18 years, Occ. Student.
- 5 Sayyed Shaukat Sayyed Taher, Age
61 years, Occ. Business.
- 6 Mahemud Ali Taher Ali, Age 29
years, Occ. Business.
- 7 Sayyed Ashfak Sayyed Shaukat, Age
25 years, occ. Business.
- 8 Sk. Anwarul Haq Sk. Raufuddin,
Age 39 years, Occ. Business.
- 9 Shahbuddin Raufuddin Sk., Age 30
years, Occu. Business.

All R/o. Sakli, Tq. Yawal,
District Jalgaon.

V E R S U S

- 1 The State of Maharashtra ... **Respondents**

- 2 The Superintendent of Police,
Jalgaon, Tq. & Dist. Jalgaon.
- 3 The Police Station Incharge,
Yawal Police Station, Tq. Yawal,
District Jalgaon.

Mr. A. N. Kakade, Advocate for the Applicants
Mr. S.B. Joshi, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 12th JULY, 2017

ORDER :

1. Heard Mr. Kakade, learned counsel appearing for the applicants and Mr. Joshi, learned APP for the respondent-State.

2. Perused the papers of investigation. From the contents of the first information report dated 01.06.2017 it appears that, the incident took place on 14.06.2016. The complaint is filed after about one year from the incident. In the first information report itself the information has mentioned that when the informant and his family members were not present in the house, somebody set on fire his plastic factory and thereby caused damage to the tune of Rs. 25 Lakhs.

Further, in the first information report, there is a reference of the earlier litigation between the parties.

3. From the information given by the son of informant dated 15.06.2016 it appears that the son of the informant promptly reported the matter to the concerned police station. In which he has stated that he is unable to tell how his plastic factory got fire. After lapse of one year now the informant and the prosecution came with the case that the present applicants along with other accused persons have set on fire the plastic factory of the informant. There is no explanation offered by the prosecution why the so-called eye witnesses have not reported the matter to the concerned police station.

4. Considering the fact that the first information report is filed at very belated stage, the custodial interrogation of the present applicants is not necessary. In such circumstances, applicants can be protected from their arrest. Hence, pass following order.

O R D E R .

1. Application is allowed.

2. Interim bail granted as per the order of this Court dated 28.06.2017 is hereby confirmed and made absolute.

3. Criminal application is disposed of.

(K.L. WADANE, J.)

mkd