

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) 398 OF 2018

(Sheikh Niyaz @ Munna s/o. Sheikh Nasir & anr..vs.. The State, thr PSO, PS
Ralegaon)

and

CRIMINAL APPLICATION **OF 2018**

(Sheikh Niyaz @ Munna s/o. Sheikh Nasir & anr..vs.. The State, thr PSO, PS
Ralegaon)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Firdos Mirza, counsel for applicants.

Shri V.A. Thakre, APP for non-applicant.

Shri Sumit Joshi, counsel for applicants in Application _____ of 2018.

CORAM: ROHIT B. DEO, J.

DATE: 28th June, 2018.

CRIMINAL APPLICATION **OF 2018**

Heard.

2 The application is allowed.

CRIMINAL APPLICATION (BA) 398 OF 2018

Heard.

2 The applicants are apprehending arrest in Crime
157 of 2018 registered at Police Station, Ralegaon for
offence punishable under section 148, 149, 435, 506, 120-B,
385, 307 of Indian Penal Code and section 7/27 of the Arms
Act.

3 The report is lodged by one Prashant Mahalle on
1.5.2018. The applicants are not named in the First
Information Report. The gist of the report, which

incidentally is lodged belatedly, is that on 29.4.2018 between 8 to 8.30 p.m., 10 to 12 persons arrived at the sand ghat at which the applicant was working and which sand ghat is allotted to one Sachin Mahalle in auction. It is stated in the report that 10 to 12 persons assaulted the informant and his colleagues, threatened to kill their employer Sachin Mahalle, fired twice in the air and set afire a Pokland machine. According to the report, the said persons asked the informant and his co-employee to convey to their employer Sachin Mahalle that Vikas Janjal and Swapnil Ujawane had come and that if their employer does not honour the wishes of one Tarikbhai Lokhandwala, they would taught a lesson (loosely translated).

4 The present applicants are named in the statement of Sachin Mahalle as being part of the group which descended on the sand ghat. It must be noted, that the persons present at the scene have not given any description whatsoever of the assailants. Repeated queries were made to the learned APP as to on what basis did Sachin Mahalle implicate the applicants as being part of the group who assaulted and threatened his employees at the sand ghat. No material whatsoever is brought to my notice to suggest that the applicants are implicated on the basis of any reasonable hypothesis or material. Apparently, the applicants are implicated since they are allegedly close to Tarikbhai Lokhandwala. The learned APP states that CDR reveals that at the relevant time, the applicant 1 was at Ralegaon and that he made a call to Vikas Janjal who was

one of the assailants. I am afraid, the submission is self destructive. The accusation against the applicants is that they were present at the scene and indeed were part of the group or mob which created ruckus at the sand ghat. In any event, according to the averments in the application, the applicant 1 is working at the adjacent sand ghat.

5 At least at this stage, there is no cogent material on record to reasonably connect the applicants with the crime and their implication by Sachin Mahalle appears to be on the basis of suspicion. In this view of the matter, the application shall have to be allowed. The application is allowed.

6 In the event of arrest in Crime 157 of 2018 registered at Police Station, Ralegaon, the applicants shall be released on furnishing personal bond of Rs. 15,000/- with a solvent surety of like amount.

7 The applicants shall attend Police Station, Ralegaon on every Sunday between 10.00 a.m. to 12.00 p.m. till the filing of chargesheet and shall cooperate with the Investigating Officer.

8 The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

RSB