

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

Criminal Application (ABA) No. 103 of 2021

(Shaikh Gulsher Shaikh Habib and ors. ..vs.. The State of Maharashtra through its P.S.O. of P.S.
Sakharkherda)

with

Criminal Application (ABA) No. 104 of 2021

(Shaikh Sameer Shaikh Nisar ..vs.. The State of Maharashtra through its P.S.O., P.S. Sakharkherda)

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

Court's or Judge's orders

Mr. R. N. Ghuge, Advocate for the applicants
Mr. S. S. Doifode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 01-03-2021

Heard.

2. These applications arise from Crime 9/2021 registered with Police Station, Sakharkherda, District Buldhana for the offences punishable under Sections 324, 143, 147, 148, 149, 452, 323, 504, 506 and 395 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. The incident allegedly occurred on 18-1-2021. There are rival versions. The mother of applicant Shaikh Sameer lodged counter report on the basis of which Crime 10/2021 is registered and as many as nine persons are arraigned as accused including the complainant in the present matter.

4. Insofar as the applicants are concerned, perusal of the report and the statements of witnesses reveal that the

only role attributed in the incident of assault is use of fist blows. Weapons are used by two co-accused who are arrested and released on regular bail.

5. The most serious allegation is theft of Rs. 35,000/- from the cupboard of the complainant. It is not clear from record as to which of the accused allegedly committed the theft. That apart, the statements of eye witnesses who not only witnessed the assault who rescued the applicants make no reference to the applicants' stealing the money from the cupboard. In this view of the matter, the interim protection granted vide order dated 23-2-2021 is made absolute with the modification that the applicants shall attend Police Station, Sakharkheda on 6th and 7th March, 2021 from 10.00 a.m. to 2.00 p.m. The period of attendance shall be treated as deemed custody for the purpose of Section 27 of the Indian Evidence Act. Other conditions shall continue to operate.

6. The applications are disposed of.

JUDGE