

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

CRIMINAL APPLICATION (ABA) NO.345 OF 2022

(SHAIKH YASIMN @ ABDUL GANI SHAIKH RACES & OTH....VS.. STATE OF MAH. THR. PSO PS
PIMPALGAON RAJA, DIST. BULDANA.)

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

Court's or Judge's orders

Shri S.D.Chande, Advocate for Applicants.
Ms Mrunal Barabde, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 17, 2022.

1. Heard.
2. At the outset, the learned counsel for the applicant submits that he does not want to press this application *qua* the applicant No.1-Shaikh Yasimn @ Abdul Gani Shaikh Races.
3. The statement is accepted.
4. By this application under Section 438 of the Code of Criminal Procedure the applicant Nos. 2, 3 and 4 are praying for grant of pre-arrest bail in connection with Crime No.83 of 2022, registered with Police Station, Pimpalgaon Raja, District: Buldana for the offences punishable under Sections 306, 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code.

5. The learned counsel for the applicant submits that the applicant Nos. 2 to 4 have been falsely implicated in the alleged offence. It is further submitted that no role is attributed against them. However, general allegations are made. Accordingly, he prays for grant of bail.

6. The learned A.P.P. strongly opposes the application.

7. I have perused the case diary and the F.I.R.

8. From the contents of the F.I.R., *prima-facie*, it appears that no specific role is attributed against the applicant Nos.2, 3 and 4.

9. There is *prima facie* no incriminating material is available against the applicant Nos.2, 3 and 4. Thus, I am of the opinion that custody of these applicants, is not necessary. Accordingly, I pass the following order:

- i) The application qua the applicant No.1-Shaikh Yasiman @ Abdul Gani Shaikh Races is disposed of as not pressed.
- ii) The application qua the applicant Nos. 2, 3 and 4 is allowed.
- iii) The order dated 19/05/2022, granting ad-interim anticipatory bail *qua* the applicant

No.2-Shaikh Races Shaikh Gani, applicant
No.3-Saeedabi Shaikh Races and applicant
No.4-Shaeedabi @ Shamshadbi Shaikh Races,
is confirmed.

- iv) The applicant Nos. 2 to 4 shall attend the concerned Police Station as and when their presence is required.
- v) The applicant Nos. 2 to 4 shall not tamper with the prosecution evidence.
- vi) The applicant Nos. 2 to 4 shall not leave the jurisdiction of the concerned Police Station without leave of the Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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