

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1003 OF 2018

SHAIKH AKBAR SHAIKH CHAND
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr Jadhav Satej S
APP for Respondents: Mr. B V Virdhe

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CORAM : V.K. JADHAV, J.
Dated: October 30, 2018

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PER COURT :-

1. The applicant is seeking pre-arrest bail in connection with crime No.49 of 2018 registered with Chalisgaon City Police Station, District Jalgaon for the offences punishable under Sections 420, 465, 406, 465, 342, 504, 506, 201, 323 of I.P.C. and under section 3/25, 27, 30 of Indian Arms Act. His application bearing Bail application No.523/2018 with similar prayer came to be rejected by the learned Additional Sessions Judge, Jalgaon, by order dated 28.8.2018.

2. Learned counsel for the applicant submits that, charge sheet has been submitted against co-accused

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persons, wherein the present applicant is shown as absconding. The applicant is the real brother of the main accused Hasnoddin Shaikh. There are allegations mainly against co-accused Hasnoddin about false promise of employment and collection of the huge amount from the aspiring candidates. So far as the present applicant is concerned, there are allegations to the effect that on 8.8.2017 informant had been to the house of the co-accused Hasnoddin Shaikh and at that time, cheque and document of agreement of sale came to be forcibly snatched by the co-accused and those documents were burnt by all the accused persons in presence of the informant. It has been further alleged in the complaint that, even at that time, the co-accused Hasnoddin Shaikh threatened the informant on the point of gun. Learned counsel submits that, so far as said incident dated 8.8.2017 is concerned, allegations as against the applicant are restricted to that extent only and the applicant is noway connected with the said false promise of employment and collection of huge amount by co-accused Hasnoddin. Learned counsel

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submits that, on the same set of allegations, his another brother co-accused Imam Chand Bhai released on anticipatory bail and the accused Reshma and Bashir are released on regular bail. In the given set of allegations, custodial interrogation of the applicant is not required. Investigation is over for all practical purposes and formality of filing of the supplementary charge sheet against the applicant is only remained.

3. Learned A.P.P. has strongly resisted the application on the ground that serious allegations have been made against co-accused Hasnoddin about false promise of employment and huge collection of the amount from various persons on that count. On 8.8.2017 the said co-accused Hasnoddin Shaikh has given certain promises to the informant about refund of the amount collected from him and also about the cheque and Isar Pavati, however, those documents were burnt by all accused persons including the present applicant. Thus, participation of the applicant is also there in the commission of the crime. He may not be

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released on anticipatory bail.

4. On careful perusal of the charge sheet and, particularly, the allegations made in the complaint, it appears that, the allegations as against the applicant are restricted to the incident that alleged to have been occurred on 8.8.2017. In the similar set of allegations, the Sessions Court has granted anticipatory bail to co-accused Imam Chandbhai Shaikh. It further appears that present applicant is not concerned with the allegations made against main accused Hasnoddin Shaikh about false promise of employment and collection of the huge amount by him from the various candidates. Thus, considering the entire aspect of the case and since the investigation is over for all practical purposes, custodial interrogation of the present applicant is not required to file supplementary charge sheet. I am inclined to grant pre-arrest bail to applicant. Hence the following order :-

ORDER

I. Application is hereby allowed.

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II. In the event of arrest of applicant - Shaikh Akbar Shaikh Chand @ Akbar Chandbhai Shaikh, in connection with Crime No.49 of 2018 registered with Chalisgaon City Police Station, District Jalgaon for the offences punishable under Sections 420, 465, 342, 504, 506, 201, 323 of I.P.C. and under sections 3/25, 27, 30 of Indian Arms Act, he be released on bail on his furnishing personal bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety of the like amount on the following conditions :-

- a) The applicant shall not tamper with the prosecution evidence in any manner.
- b) The applicant shall make himself available for further investigation in the crime, if any, as and when required by the investigating officer.

III. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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