

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1772 Of 2015.

SHAIKH RIMSHADBI SHAIKH MUSAK & ORS.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Abhaysinh K. Bhosale, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. I 114/2015 registered with Police Station, Mukundwadi, District - Aurangabad for the offences punishable under Section.s. 307, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

[2] Heard Mr. Abhaysinh K. Bhosale, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the Respondent - State of Maharashtra.

[3] The incident dated 17th February, 2015 at 00.30 hrs. leads to file of two first information reports. The First F.I.R. is lodged by Shaikh Gafar Shaikh Kammu with Police Station, Mukundwadi, District - Aurangabad for

the offences punishable under Section.s. 307, 452, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act vide CR No. I 109/2015.

[4] In the said first information report, Shaikh Burhan is shown as Accused No.1, who is first informant in CR No. I 114/2015 registered with Police Station, Mukundwadi, District - Aurangabad for the offences punishable under Section.s. 307, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act, in which the present Applicants are seeking anticipatory bail.

[5] CR No.I 114/2015 is registered with Police Station, Mukundwadi, District - Aurangabad on 19th February, 2015 i.e. after two days of the incident. Further from the first information report of CR No. I 114/2015, it is clear that, no specific role is ascribed to any of the present Applicants. It is informed to this court that, Shaikh Najim Shaikh Isa, Shaikh Ansar and Shaikh Salim are already arrested. Against them, specific role is attributed that they have assaulted the first informant and others by means of sword. In so far as present Applicants are concerned, no specific role is attributed against them and it has been stated that in the quarrel, they participated.

[6] Looking to the fact that, cross-complaints are filed and against the present Applicants no specific role is attributed, further, Applicant Nos. 1,2 and 5 are ladies, present Applicants can be protected by the anticipatory bail. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant No.1 – Shaikh Rimshadbi Shaikh Musak, Applicant No.2 – Hamedha Shaikh Isa, Applicant No.3 – Azhar Kammu Shaikh Patel and Applicant No.4 – Shamshadi Shaikh Shahnoor shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No. I 114/2015 registered with Police Station, Mukundwadi, District - Aurangabad for the offences punishable under Section.s. 307, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

(iii) Criminal Application allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)