

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

ANTICIPATORY BAIL APPLICATION NO. 150 OF 2021

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| 1. Shaikh Nawab Shaikh Bapuji | |
| 2. Shaikh Matin Shaikh Nazir | |
| 3. Shaikh Mobin Shaikh Nawab | |
| 4. Shaikh Altaf Rashid Salim | |
| 5. Sayed Mujeeb Sayed Salar | ... Applicants |

Versus

The State of Maharashtra	... Respondent
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Mr. Sayyed Tauseef Yaseen, Advocate for the applicants

Mr. V. M. Kagne, APP for respondent-State

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CORAM : R. G. AVACHAT, J.

DATED : 19th MARCH, 2021

PER COURT :-

. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No. 340 of 2020, registered at Pimpalner Police Station, Beed for the offences punishable under Sections 143, 147, 148, 149, 307, 341, 323, 504, 506 of Indian Penal Code and under Sections 4 and 27 of the Arms Act.

2. Heard. Perused the First Information Report (FIR).

The FIR has been lodged by Shaikh Mukheed Shaikh Ayub, within hours of the incidence. It has been alleged in the FIR that the informant and 11 others were on their way to the Government Hospital, Beed since Shaikh Ibrahim Shaikh Hasem was admitted therein. While they were on their way, the applicants intercepted them and took up quarrel. The applicants assaulted them with iron pipe, sword and sticks.

3. Learned Advocate for the applicants after hearing him for a while, came around to withdraw the application of applicant Nos. 2, 3 and 5. The application so far as applicants No.2, 3 and 5 thus stands disposed of as withdrawn.

4. Learned APP urged for rejection of the application on the ground of involvement of the applicants No. 1 and 4 in the alleged offence.

5. Applicant No.1 is 70 years of age. No overt act has been attributed to him. He allegedly caught-hold of Akhtar Shaikh. Shaikh Mobin allegedly assaulted Shaikh Akhtar on his head with sword. As such, the applicant No.1 is alleged to have facilitated Shaikh Mobin

to assault Shaikh Akhtar with sword. Considering the age of the applicant and his role in the alleged offence, I am inclined to grant him anticipatory bail.

So far as applicant No.4 is concerned, he is 20 years old. He allegedly assaulted with stick. Considering his role in the alleged offence and the fact that he is suffering from neurological disease and undergoing treatment. Moreover, he is a student. He has no criminal antecedents. I am, therefore, inclined to grant him anticipatory bail. Hence, following order:

ORDER

- (i) Application of applicants No. 1 and 4 is allowed.
- (ii) In the event of arrest of the applicants No. 1 and 4 in connection with Crime No. 340 of 2020, registered at Pimpalner Police Station, Beed for the offences punishable under Sections 143, 147, 148, 149, 307, 341, 323, 504, 506 of Indian Penal Code and under Sections 4 and 27 of the Arms Act, the applicants No. 1 and 4 be released on bail on their executing P R. bond in the sum of Rs.15,000/-

(Rupees Fifteen Thousand) each with one surety in the like amount.

- (iii) The applicants No. 1 and 4 shall appear before the investigating officer as and when required.
- (iv) The applicants No. 1 and 4 shall not tamper with the prosecution evidence in any manner.

[R. G. AVACHAT, J.]

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