

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

ANTICIPATORY BAIL APPLICATION NO.592 OF 2021

1] SHAIKH KALIM S/O SHAIKH HUSAIN
2] SHAIKH RAZZAK S/O SHAIKH BABU
3] SHAIKH NIZAM S/O SHAIKH HUSNUDDIN
4] SHAIKH MUKHTAR S/O SHAIKH HUSAIN

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shaikh Altamash Abdul L.
APP for Respondents/State : Mr. V.S. Badakh
...

CORAM : MANGESH S. PATIL, J.

DATE : 01.07.2021

PER COURT :

The applicants are 4 of the 16 accused from Crime No.96/2021 of Pishor Police Station, Tq. Kannad District Aurangabad registered for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 324, 323, 336, 504, 506, 188, 269, 270 of the Indian Penal Code and under Section 51 (b) of the Disaster Management Act, 2005 and under Section 135 of the Maharashtra Police Act, 1951 seeking bail in the event of their arrest.

2. The FIR alleges that there has been a dispute between accused No.14 Shaikh Rafiq Shaikh Babu and informant's sister by name Mumtaz on account of water tap connection. He had assaulted her and having been informed about the incident the informant had gone to her place and

thereafter a formal complaint was lodged with police. It then alleges that while the informant with his son and other injured were returning home the applicants who were armed with sticks accosted them on the way and assaulted them. The matter was reported to police and the offence has been registered.

3. I have heard the learned advocate for the applicants and the learned APP and also perused the papers of the investigation.

4. It is informed that except the applicants the rest of the accused who are 12 in numbers have been arrested and have been granted regular bail.

5. In spite of a minute scrutiny of the papers of the investigation particularly the FIR and the statements of the eye witnesses and the injured persons, one is unable to comprehend any specific and exclusive role attributable to any of these applicants. None of them specifically state about specific applicant having assaulted him. Apart from the above state of affairs, though there are as many as three injured persons they have merely sustained simple injuries with a hard and blunt object.

6. It is trite that while entertaining an application for anticipatory bail, the Court is expected to scrutinize and comprehend a role attributable to the applicants. However, in spite of the Investigating Officer having undertaken the investigation and recorded the statements of not only the injured but even the other eye witnesses, none of them has even been able to attribute any specific injury to any of the applicants.

7. Considering all the aforementioned facts and circumstances, by taking necessary precaution to obviate any further escalation and putting the applicants to appropriate conditions they deserve to be granted bail.

8. The application is allowed. In the event of arrest of the Applicants in connection with Crime No.96/2021 of Pishor Police Station, Tq. Kannad District Aurangabad registered for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 324, 323, 336, 504, 506, 188, 269, 270 of the Indian Penal Code and under Section 51 (b) of the Disaster Management Act, 2005 and under Section 135 of the Maharashtra Police Act, 1951, they shall be released on bail on their executing personal recognizance for an amount of Rs.25,000/- (Rs. Twenty Five Thousand only) each and furnishing solvent surety each in the like amount subject to following conditions :

- a) They shall attend the concerned Police Station on three consecutive Saturdays starting from 03.07.2021 or till filing of the final report which ever is earlier and shall cooperate the Investigating Officer.
- b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)