

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

10 ANTICIPATORY BAIL APPLICATION NO.714 OF 2021

1. Firoz Rafik Khatik,
Age; 38 years, Occ; Labour,
 2. Rafik Shafi Khatik @ Rafik Shaikh Shafi,
Age; 66 years, Occ; Labour,
- Both r/o. Fekre, Deepnagar, Bhusawal,
Tq. Bhusawal, District; Jalgaon.
- ...Applicants

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for Applicants : Mr.Jadhav Satej S.
APP for Respondent-State : Mrs. V.S.Chaudhari
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 23th July, 2021.

P. C. :

1. Applicants being the members of an unlawful assembly, in prosecution of the common object, allegedly assaulted Salman, brother of the complainant. First Information Report ('FIR' for short) filed by Javed (Complainant), attributed specific role to the Akram Khatik (Accused No. 1), for fracturing and causing grievous injuries on the scalp and frontal region of scalp of the Salman. So far as, applicants are concerned, although it is alleged that applicant No. 1

(Accused No. 4) was armed with iron rod, he did not assault any one. So far as, the applicant No. 2 (accused No. 5) is concerned, he is 66 year old person, who allegedly given a blow of bucket on the shoulder of complainant. Complainant's injury certificate shows, he had suffered simple injuries. It is informed that the accused Nos. 1, 2 and 3, were released on bail. Besides, it is pointed out that complainant has settled the dispute with accused persons, as is evident from the affidavit dated 18th May, 2021.

2. When this application was heard on 14th July, 2021, learned APP was directed to verify the affidavit sworn by Javed (Complainant). Learned APP has not verified for whatever reasons best known to her.

3. In consideration of the facts stated above, I am of the view that, the custodial interrogation of the applicants will not further the prosecution case. Application is granted.

4 (i) In the event of arrest of applicants in connection with crime No 21 of 2021, registered with Bhusawal City Police Station, District Jalgaon, for the offences punishable under Sections 326, 323, 143, 147, 148, 504 and 506 of Indian Penal Code, they shall be released on bail on executing P.R. bond each, in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each, with one or two

sureties in the like amount.

(ii). The applicants shall report to the Investigating Officer, and when called by him.

5. Application is allowed and disposed of.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/