

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

ANTICIPATORY BAIL APPLICATION NO. 1372 OF 2021

1. Babamiya Mehboob Khan Pathan ... **Applicants**
Age 66 years, Occu: Retired,
R/o Kranti Nagar, Parbhani

2. Shaikh Munuwar Shaikh Chunnumiya
Age 60 years, Occu: Business
R/o Ithlapur Mohalla, New Mondha
Parbhani, District Parbhani.

VERSUS

1. The State of Maharashtra, ... **Respondents**
Through Investigating Officer,
Kotwali Police Station, Parbhani

2. Superintendent of Police, Parbhani
District Parbhani

Mr Syed Azizoddin R. Advocate for the applicant,
Mr A. S. Shinde, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.
DATE : 17th December, 2021

ORDER:

1. The applicants are apprehending arrest in Crime No.244/2021 registered with Kotwali Police Station, District Parbhani for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code (for short "I.P.C.") and under Section 4/25 of the Indian Arms Act.

2. The First Information Report (for short, "FIR.") was lodged on 15th September 2021 by Shaikh Lala s/o Shaikh Babamiya. It is alleged that the accused were involved in assault by fist and kick blows.

3. From the tenor of the FIR, it is apparent that the applicants were attributed role of assault by kick and first blows. The application for anticipatory bail preferred by co-accused Shaikh Akbar Shaikh Munwar and Shaikh Afzal Shaikh Munwar was allowed by the learned Sessions Judge, Parbhani by order dated 12th October, 2021. Learned Advocate for the applicants submitted that the role of the applicants is similar to accused who have been granted relief.

4. Learned APP submits that presence of the applicants is shown at the time of incident. They have participated in the assault. The injured had sustained severe injuries. The role of assault by weapon was attributed to other accused.

5. Considering nature of overt act attributed to the applicant, relief under section 438 can be granted to the applicants. Hence, I pass the following order :-

ORDER

i. Anticipatory Bail Application No. 1372 of 2021 is allowed;

- ii. Interim order dated 25.11.2021 is confirmed.
- iii. In the event of arrest of the applicants in Crime No.244/2021 registered with Kotwali Police Station, District Parbhani, the applicants be released on bail on executing P.R. bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount;
- iv. The applicant shall attend the investigating officer on 27th, 28th and 29th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
- v. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC