

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**36 BAIL APPLICATION NO.490 OF 2022**

RIYAZ SHAIKH @ PRINCE CHIRAG SHAIKH  
AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. D. B. Thoke  
APP for Respondent-State : Mr. V. S. Badakh  
Advocate for Assist to APP : Mr. S. P. Brahme

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**WITH  
CRIMINAL APPLICATION NO.1416 OF 2022  
IN BA/490/2022**

SHAIKH GAFUR SHAIKH HAZRATNOOR  
VERSUS  
RIYAZ SHAIKH @ PRINCE CHIRAG SHAIKH  
AND OTHERS

.....

Advocate for Applicant : Mr. S. P. Brahme  
APP for Respondent No.3-State : Mr. V. S. Badakh  
Advocate for Respondents No.1 and 2 : Mr. D. B. Thoke

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**CORAM : SMT.VIBHA KANKANWADI, J.  
DATE : 18-04-2022**

**ORDER :**

1. Criminal Application No.1416 of 2022 has been filed for assist to learned APP. Said application stands allowed and disposed of.
2. In Bail Application No.490 of 2022, the applicants have been arrested in connection with Crime No.52 of 2022, dated 07-02-2022,

registered with Chalisgaon City Police Station, Chalisgaon, District Jalgaon, for the offences punishable under Section 143, 144, 147, 148, 149, 307, 324, 326, 336, 504, 506 of the Indian penal Code, and therefore, they have filed present application under Section 439 of Cr.P.C.

3. Heard learned Advocate Mr. D. B. Thoke for applicants and learned APP Mr. V. S. Badakh for respondent-State well assisted by learned Advocate Mr. S. P. Brahme for informant. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

4. The FIR has been lodged by one Shaikh Gafoor Shaikh Hajrat Noor. If the contents of the FIR are seen, then though the presence of the applicants is stated and it is also stated that all the eleven accused persons were holding Chopper, sword, iron pipe and wooden sticks, but as regards the informant is concerned, he makes allegation that one co-accused Fakira Beg had assaulted him by sword on his head and unknown person along with accused Naim had assaulted him by Chopper causing injury to his right hand fingers. He then also states that when he was tried to be rescued by the witnesses, they were also assaulted. That means, as regards

the injuries to the informant is concerned, the author is stated to be Fakira Beg and the unknown persons. Perusal of the police papers would show that two witnesses have taken the names of the present applicants, one is Imran Shaikh Shabbir and another is Shaikh Bismilla Shaikh Hasratnoor. One is stated that applicant No.1 had assaulted him with wooden stick causing injury to his hands and legs and another has stated that applicant No.1 had assaulted him with Chopper and causing injury to the back side of his head, and as regards accused No.2 is concerned, he states that he had assaulted him on his right shoulder with iron pipe. Both of them have sustained simple injuries as per the Medico Legal Certificate. Statements of witnesses have also been recorded under Section 164 of Cr.P.C. In the said statement the informant has not stated that he was assaulted by the present applicants, though he has again stated about their presence as well as weapons. He has stated that applicant No.1 was holding iron rod and accused No.2 was holding wooden stick. Witness Imran Shaikh Shabbir who appears to be also an injured, has also not stated that he was assaulted by present applicants though presence is shown. Same is the case with Shaikh Rasool Shaikh Sayyad Hasratnoor. Shaikh Bismilla Shaikh Hasratnoor has repeated the same allegations as in his statement

under Section 161 of Cr.P.C. Therefore, taking into consideration the said evidence, especially when the present applicant has not caused any injury, which can be said to be within Section 307 of IPC or 326 of IPC to the informant or any other person and they have the fixed place of abode with no criminal antecedents, they deserve to be released on bail, however, with stringent conditions. Hence, following order.

**ORDER**

- 1) Application stands allowed.
- 2) Applicants No.1 Riyaz Shaikh @ Prince Chirag Shaikh and No.2 Muntazim Shaikh @ Monty Alauddin Shaikh, arrested in connection with Crime No.52 of 2022, dated 06-02-2022, registered with the Chalisgaon City Police Station, Chalisgaon, District Jalgaon, for the offence punishable under Section 143, 144, 147, 148, 149, 307, 324, 326, 336, 504, 506 of the Indian penal Code, be released on P.R.Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.
- 3) They shall attend Chalisgaon City Police Station, Chalisgaon, District Jalgaon, in between 10.00 a.m. to 02.00 p.m. on every Monday and Thursday.
- 4) They shall not tamper with the evidence of the prosecution in any manner.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

vjg/-.