

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

921 ANTICIPATORY BAIL APPLICATION NO. 665 OF 2022

1. Rais Ismail Shaikh.
2. Siddik Rahim Shaikh. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. A. K. Bhosle, Advocate for Applicants.
Mr. S. B. Narwade, A.P.P. for Respondent/State
...

AND

ANTICIPATORY BAIL APPLICATION NO. 496 OF 2022

1. Farukh Ismail Shaikh.
2. Imran Ismail Shaikh. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. A. K. Bhosle, Advocate for Applicants.
Mr. S. B. Narwade, A.P.P. for Respondent/State
...

CORAM : **SARANG V. KOTWAL, J.**

DATE : 08th June, 2022.

PER COURT:

. Both these applications are disposed of by this common order because they arise out of same registered offence and same

investigation. Whenever necessary the applicants are referred to by their names.

2 The applicants are seeking anticipatory bail in connection with C.R. No.33 of 2022, registered at Talwade Police Station, Beed on 2nd March, 2022, under Sections 323, 324, 327, 504 and 506 read with 34 of the Indian Penal Code.

3 Heard Mr. A. K. Bhosle, learned counsel for the applicants and Mr. S. B. Narwade, learned APP for the State.

4 The FIR is lodged by the one Kalindar Yusuf Shaikh. He has stated that on 1st March, 2022 when he was returning home at about 09:00 p.m. from his agricultural land, suddenly all the applicants stopped him. The Applicant Rais gave blow with Gupti on his head. The others assaulted him with kicks and fist blows. The informant's cousin Mujib came for his rescue. The applicant Siddik gave blow with Gupti on Mujib Shaikh. It is alleged that all of them removed Rs.47,000/- from the informant and then went away. On this basis, the FIR is lodged.

5 Learned counsel for the applicants submitted that narration in the FIR is not true. In fact, the applicant Farukh was

assaulted by the informant and his group. Applicant Farukh has suffered fracture of his finger. This fact is suppressed in the FIR and therefore, the version in the FIR is not true. The Applicant Farukh has lodged his own FIR vide C.R. No.36 of 2022 at the same police station on 5th March, 2022, under Section 326 and other sections of the Indian Penal Code. He, therefore, submitted that the applicants' custodial interrogation is not necessary as the informant has falsely implicated them in the FIR.

6 The learned APP opposed these applications on the basis of narration in the FIR and he produced medical certificates of the injured. He also relied on statement of the other injured Shaikh Mujib.

7 I have considered these submissions and have also perused the investigation papers. The informant has suffered one simple injury in the nature of CLW on frontal region. Mujib has suffered two simple injuries. Mujib's version is similar to that of the first informant. I find substance in the submissions of learned counsel for the applicants that the version in the FIR is not true because the FIR does not make any reference to the injury caused to the Applicant Farukh. Apart from that, the injuries suffered by both the injured in this case are simple in nature. The medical certificate shows that the weapon used was hard and blunt and therefore, even on that count the

FIR does not appear to be entirely true. Be that as it may, in the background of this case and cross-case and also taking into account the simple nature of injuries, I am inclined to protect the applicants by way of order under Section 438 of the Code of Criminal Procedure. Hence, the following order :

ORDER

- I. In the event of their arrest in connection with C.R. No.33 of 2022, registered at Talwade Police Station, Beed, the applicants are directed to be released on bail on their executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) each with one or two sureties each in the like amount.
- II. The applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- III. Both the Anticipatory Bail Applications stand disposed of accordingly.

[SARANG V. KOTWAL, J.]