

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

910 ANTICIPATORY BAIL APPLICATION NO.846 OF 2022

**ISAQ HUSSAIN ATTAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicants : Mr. Pathan Yunus Basheer
APP for Respondent State: Mr. K. S. Patil

CORAM : S. G. MEHARE, J.
DATE : 3rd AUGUST, 2022

ORDER:

1. Heard learned counsel for the applicants and learned APP for the State.
2. To maintain the brevity, the facts are not reproduced which are discussed in the order dated 27th July, 2022.
3. The learned counsel for the applicants would submit that a case under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 was filed against the complainant. However, under the garb of the orders passed in Securitisation case, the complainant tried to throw the applicants away from the premises over which they have possession. The said piece of land is not owned by the complainant. False allegations have been levelled against the applicants. Nothing is to be recovered from the applicants. Therefore, the interim protection granted to them may be confirmed.

4. Learned APP has strongly opposed the application contending that the applicants have used criminal force and assaulted the complainant with stick. Therefore, the application may be rejected.

5. The facts disclosed in the order dated 27th July, 2022 reveal that some attempts to dispossess the applicants were made under the garb of an order passed under the Securitisation Act. A civil suit is already pending between the parties.

6. Considering the overall facts of the case, this Court is of the view that this is a fit case for anticipatory bail. Hence, the following order.

O R D E R

- (i) The application is allowed.
- (ii) Interim protection granted to the applicant by order dated 27th July, 2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

JPChavan