

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

923 ANTICIPATORY BAIL APPLICATION NO.929 OF 2022

SHAIKH ARBAZ S/O SHAIKH KADIR
VERSUS
THE STATE OF MAHARASHTRA
WITH
ANTICIPATORY BAIL APPLICATION NO.930 OF 2022

MUJAHID MUKHTAR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicant : Mr. Jadhav Mangesh R
and Mr. Patil Dhananjay Shrikant
APP for Respondent State: Mrs. V. S. Chaudhari
WITH
ANTICIPATORY BAIL APPLICATION NO.898 OF 2022

AFSAR ASIF QURESHI
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicant : Mr. Pande Balraj Prakash
APP for Respondent State: Mrs. V. S. Chaudhari

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

ORDER:

1. Heard learned counsel for the applicants and learned APP for the State.
2. The First Information Report (FIR) reveals that accused Mukhtar Shaikh and Samir Mukhtar Shaikh along-with two unknown

persons, went to demand their money to the first informant. They abused him. Thereafter, they left towards the village Mavsala and stopped at some distance. Then Yunus, a son of the first informant, went to them and asked why they have abused his father. The applicants asked him why he did not return their money and suddenly started assaulting him with stick.

3. The learned counsel for the applicants have vehemently argued that to make the offence serious, one accused who was actually not named or present has been added. As per the FIR, there are only four accused. However, one more has been added during investigation. The weapons allegedly used in the crime have been seized under section 27 of the Evidence Act. Therefore, nothing is to be recovered from the applicant. The injuries sustained were not on the vital part. It has been alleged that the son of the first informant suffered fracture injury on his leg and he has been discharged. The complainant and his son were aggressive. The applicant Mukhtar Shaikh also lodged a report against the first informant and his son and one another alleging that they started beating them and Yunus Shah brought a wooden stick from his field and assaulted his son on his head. A false report has been lodged against the applicants to counter the report of the applicant Mukhtar Shaikh and therefore they be released on bail.

4. Learned APP has vehemently argued that the applicants have used the deadly weapons like sticks and assaulted the son of the first informant. Fracture injury was sustained to his leg. However, weapons have been seized in the crime. She prayed to reject the application contending that the offence is serious.

5. Perused the papers. There are counter reports against each other. However, it seems that applicant Mukhtar and his son went to

demand money to the first informant and then they left. Thereafter son of the first informant went to them and then the incident happened.

6. Prima facie, it appears that applicant Mukhtar and his son simply went to demand their money to the first informant and they immediately left the place where the first informant was present. Then the first informant sent his son to ask them why they have abused. That apart, the injuries have not been caused on the vital part of the body. Both have lodged report against each other. The injured has been discharged from the hospital. As per the FIR there are four persons but one more person is added. Weapons allegedly used in the crime have been seized.

7. In the backdrop of the facts of the case, this Court is of the view that applications deserves to be allowed. Hence the following order:

ORDER

- (i) The applications are allowed.
- (ii) Interim protections granted to the applicant- Shaikh Arbaz s/o Shaikh Kadir in ABA No. 929 of 2022 and applicant Mujahid Mukhtar Shaikh in ABA No. 930/2022 by order dated 26th July, 2022 and to applicant Afsar Asif Qureshi in ABA No.898/2022 by order dated 12th July, 2022 are confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

JPChavan