

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

33 ANTICIPATORY BAIL APPLICATION NO.997 OF 2022

1. Gaushiyabee W/o Noor Muhammad Shaikh,
2. Tanno @ Tanveer W/o Jahed Shaikh,
3. Nasreen W/o Firoz Shaikh,
4. Heena W/o Imran Khan,
5. Jahed S/o Hamid Shaikh

VERSUS

The State of Maharashtra

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Advocate for Applicants : Mr. Thombre S. S.

APP for Respondent-State : Mr. K. S. Patil.

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CORAM : S. G. MEHARE, J.

DATE : 10.08.2022

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.

2. The allegations against the applicants, the cousin sisters and their husbands and aunty are that on 20.06.2022, all the accused entered the house of the complainant. The present applicants threw chilli powder on the person of Aafreena / wife of complainant and beat her with slaps and other co-accused have assaulted him with a sword.

3. Learned counsel for the applicants would submit that on 19.06.2022, the complainant and his family members assaulted the applicant Gaushiyabee with iron rod and she has a fracture. The report was immediately lodged. She was under the medical treatment. The other applicants are the sisters and their husbands. They reside at different places. Since they are cousin in relation, they have been falsely arraigned as accused in the crime. He would also point out that there is nine days delay in lodging the FIR. He has also categorically argued that two other co-accused have been surrendered and the weapon has been seized from them. Considering the role of the applicants, their custodial interrogation may not required.

4. Learned APP has opposed the application contending that the offence is serious. Though the weapon is recovered, the applicants have committed the offence with common object. Therefore, their custodial interrogation is essential.

5. Perused the investigation papers. Police did not collect the evidence of chilli powder either from the spot of the incident or from the person of the injured. Absence of such material evidence is self speaking. Beside this, nothing is to be recovered from the applicants. There are counter reports against each other. For the reasons stated above, the

application deserves to be allowed. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, applicant No.1. Gaushiyabee W/o Noor Muhammad Shaikh, 2. Tanno @ Tanveer W/o Jahed Shaikh, 3. Nasreen W/o Firoz Shaikh, 4. Heena W/o Imran Khan and 5. Jahed S/o Hamid Shaikh, be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each in Crime No.127 of 2022, registered with Police Station Sambhaji Nagar, District Beed, for the offences punishable under Sections 307, 143, 147, 148, 149, 452, 504, 506 of the IPC and Section 4, 25 of the Arms Act, on the condition that they shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.)

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vmk/-