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

ANTICIPATORY BAIL APPLICATION NO.1029 OF 2022

FAKIR RAFIQ SHAH RASHID SHAH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : 06th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The facts have been discussed in detail in the order dated 04.08.2022. Learned counsel for the applicant would submit that there are no specific allegations against the applicant; however, he has been falsely implicated in the crime. The complainant and the applicant are residing in one and the same locality. They were knowing each other by name, but deliberately his name has not been mentioned in the FIR and instead of his name, he has been named as elder brother of one of the co-accused Lukman Shah. Vague allegations have been levelled against the applicant in the FIR. Therefore, anticipatory bail may be granted.
3. Learned APP has strongly opposed the application. He would submit that the FIR reveals that all the accused including the

present applicant assaulted the injured with sticks. Therefore, the applicant has played an active role in committing the crime.

4. Perused the papers. The FIR reveals that the applicant has not been directly named in the FIR; however, he has been named as elder brother of co-accused Lukman Shah. The FIR reveals that vague allegations have been levelled against the applicant about the assault with sticks. Considering the facts of the case and the vague allegations levelled against the applicant, this Court is of the view that custodial interrogation of the applicant would serve no purpose. Hence, the following order :

ORDER

(A) The application is allowed.

(B) Interim protection granted to the applicant by order dated 04.08.2022 is confirmed on the same terms and conditions.

(S.G. MEHARE, J.)