

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

ANTICIPATORY BAIL APPLICATION NO.1033 OF 2022

**SHAIKH AZHAR S/O SHAIKH VALI AHMED AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Mr. Kurundkar Sunil V.
APP for Respondents : Mr. S.B. Narwade

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

DATED : 22nd AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants have a case of false implications. Learned counsel for the applicants would submit that in FIR, no suspicion has been raised against the person belonging to the Non Hindu community. However, subsequently a story has been developed. Therefore, the application may be allowed.
3. Learned APP has referred to the CCTV footage and would point out that at the wee hour, the applicant, Shaikh Azhar and others were near the medical shop. He would also referred to the supplementary statement wherein first time it has been brought that the crime was registered against the son of the complainant since he had made the incorrect statement about Mohammad Paigamber. One

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of the constable was told the name of the applicants. Therefore, there is strong material against the applicants. Hence, the custodial interrogation of the applicants is necessary.

4. The FIR is silent as regards the matter against the son of the informant that he has used the indecent words against Mohammad Paigamber but a story has been developed subsequently that since his son was booked for various offences, the applicants have set the medical shop of the informant at fire. However, all these facts have come in the supplementary statement. In the facts and circumstances of the case, the applicants have a good case for anticipatory bail. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) Interim protection granted to the applicants by order dated 05.08.2022 is confirmed on same terms and conditions with an additional condition to attend the police station as and when called on written notice.

(S.G. MEHARE, J.)