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

ANTICIPATORY BAIL APPLICATION NO.1039 OF 2022

ANIS S/O. MUKHTAR AHMED SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

WITH
ANTICIPATORY BAIL APPLICATION NO.1040 OF 2022

MARUF S/O. RIYAJ SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr. N. B. Narwade, Advocate for applicants;
Mr K. S. Patil, A.P.P. for respondent/State;
Mr. G. R. Syed, Advocate to assist the A.P.P.

CORAM : S. G. MEHARE, J.

DATE : 26th August, 2022

PC.

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondent/State and Mr. Syed, the learned counsel assisting the learned APP

2. After hearing the respective counsel, this Court expressed disinclination to grant anticipatory bail to applicant No. 2 Mijan Barkat Shaikh @ Kureshi (in ABA/1040/2022) and applicant Anis s/o. Mukhtar Ahmed Shaikh (in ABA/1039/2022), the learned

(2)

counsel for the applicants, on instructions, seeks leave to withdraw the application to their extent. Leave granted.

The applications to the extent of applicant No. 2 Mijan Barkat Shaikh @ Kureshi and applicant Anis s/o. Mukhtar Ahmed Shaikh, stand dismissed as withdrawn.

3. So far as applicant No. 1 Maruf Riyaj Shaikh (in ABA/1040/2022) is concerned, he has been arrested. Therefore, the application to his extent is not pressed.

4. Perused the papers. The real brother has been mercilessly beaten by the others. There are no specific allegations of assault by applicant Babbu and Kazim. On the contrary, applicant No.3 Kazim Mohamad Sharif Shaikh has shown some mercy and took the injured to the hospital. However, they have no role except presence on the spot and no serious allegations have been levelled against them. They have not used any weapon. Therefore, the applicants deserve to be protected. Hence, the following order :-

- i) Anticipatory Bail Application No. 1039 of 2022 stands dismissed.
- ii) Anticipatory Bail Application No. 1040 of 2022 is partly allowed.

(3)

iii) In the event of arrest, applicants no. (3) Kazim Mohamad Sharif Shaikh and (4) Babbu @ Linga @ Sajid Gulam Shaikh (in ABA/1040/2022), be released on bail, on executing P.B. and S.B. of Rs.20,000/- each, with one solvent surety of the like amount, in C.R. No. 0457 of 2022, registered with the Tofkhana Police Station, Ahmednagar, for the offence punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Section 4/25 of the Indian Arms Act, on the conditions that they shall not enter the place where the injured resides for three weeks from today and they shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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