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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1367 OF 2022

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| 1. | Shaikh Wajed s/o Shaikh Chand Shah
Age – 33 years, Occ – Business | APPLICANTS |
| 2. | Shaikh Navid s/o Shaikh Chand
Age – 25 years, Occ – Business
Both R/o Mominpura, Beed
Taluka and District – Beed | |

VERSUS

- | | | |
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| 1 | The State of Maharashtra
Through the Officer in charge
Peth Beed Police Station,
Taluka and District – Beed | RESPONDENTS |
| 2. | The Superintendent of Police
Beed | |

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Mr. G.A. Kulkarni and Anand D.Kulkarni, Advocates for applicants
Mr. V. S. Badakh, APP for respondent - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th OCTOBER, 2022

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No. 0180 of 2022 registered with Peth Beed police station for the offences punishable under sections 452, 354, 327, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.
2. The informant has named 9 accused persons and 6 to 7

unknown persons in the FIR, who have allegedly committed the offence. The informant has contended that she has come for delivery to her mother's place. It is alleged that on 26th August, 2022, at 8.30 p.m. when the informant and her three brothers were at home, the 9 accused persons and 6 to 7 unknown persons, including the present applicants, being accused No.6 and 7, allegedly entered their house and asked whereabouts of her mother as according to them she has fled away with their money and gold. The informant is assaulted with fists and kick blows and was abused. Accused No.1 to 3 snatched her golden ornaments and the applicants allegedly outraged her modesty. Thereafter the informant called the police and on arrival of the police, she was saved from the accused persons and she lodged the FIR in question.

3. Heard learned advocate for the applicants and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. According to the applicants, various criminal complaints are lodged against the mother of the informant by the residents of the area, as she is indulged in black magic practice. The applicants claim that they are neighbours of the mother of the informant and applicant No.1 claims to be Mufti who teaches

religious preaching to the people.

5. *Prima facie*, the incident appears to have taken place in the house of the informant's mother, wherein the informant was abused and may have been assaulted, however, there is no medical certificate showing any injury to her. The alleged incident has taken place in presence of three brothers of the informant, however, their statements are not on record. Though injury certificate of one of the brothers of the informant is there, however, the informant does not speak about any assault on her brothers.

6. Taking into consideration various complaints lodged against the mother of the informant by the residents of the locality and as the applicants have opposed black magic practice of mother of the informant, possibility of their false implication cannot be ruled out.

7. In view of the above facts, custodial detention of the applicants is not warranted. The application, therefore, deserves to be allowed.

8. The application is allowed. In the event of arrest of the applicants in connection with Crime No. 0180 of 2022 registered with Peth Beed police station for the offences punishable under

sections 452, 354, 327, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, the applicants be released on bail on their executing PR bond and SB of Rs.15,000/- each with one surety each of like amount. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigation officer. The applicants shall not enter the area where the informant's mother's house is located, till filing of the charge sheet.

[NITIN B. SURYAWANSHI]
JUDGE

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