

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1481 OF 2022

Shaukatbee W/O. Jahur Shaikh And Another ..Applicants

Versus

The State Of Maharashtra & Anr. ..Respondents

Mr. R.G. Hange, Advocate for the applicant.

Mr. N.T. Bhagat, APP for State.

Mr. Amit Savale, Advocate for the informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd NOVEMBER, 2022

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 250/2022 registered with Parali Rural Police Station for the offences punishable under section 302, 323, 504, 506, 143, 147, 148 and 149 of Indian Penal Code.

2. It is alleged in the First Information Report that, 10 accused persons assaulted father of the informant- Iliyas Shaikh and brother Arbaz. Accused Nadim Shaikh Manjoor assaulted Arbaz with axe on the head. Other accused persons inflicted fist and kick blows on father- Iliyas Shaikh. The applicants have allegedly caught hair and gave slaps and fist blows to father-

Iliyas. Father-Iliyas and brother-Arbaz when were taken to the hospital, on arrival, father- Iliyas was declared dead. It is also stated in the First Information Report that there is previous dispute about agricultural land between the informant and accused and litigation is going on between them.

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

4. Taking into consideration the previous litigation between the accused and informant's side and the role attributed to the applicants and the fact that the injury certificate of Arbaz do not show corresponding injuries which are attributed to the applicants, further as the cause of death of father- Iliyas given in the post mortem report is 'due to coronary artery disease and its complications' and as the investigation is almost complete, the applicants being women deserve protection.

5. The application is therefore allowed by confirming the interim protection dated 01.11.2022.

6. Till filing of charge sheet the applicants shall attend the concerned police station as and when called by the investigating officer. The applicants shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]