

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1650 OF 2022

Shaikh Riyaz Shaikh Sardar And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. P.P. More, Advocate for the applicants.

Mrs. P.V. Diggikar, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st DECEMBER, 2022

ORDER :

1. The applicants apprehend arrest in Crime No. 538/2022, registered with Badnapur Police Station, Jalna, for the offences punishable under sections 323, 327, 504 read with 34 of the Indian Penal Code.

2. First Information Report is lodged by Shaikh Samir Shaikh Chand (Vice President) alleging that the applicants and one more co-accused stopped his car and abused and assaulted him with slaps and fists. His mobile phone and Rs. 8,000/- were taken away by the applicants.

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

4. Applicant No. 1 has lodged a complaint to the Tahsildar, Badnapur alleging that wife of informant has produced bogus caste certificate of Momin caste. On the basis of said complaint inquiry is initiated.

5. Applicant No. 1 has also lodged First Information Report against four accused persons of informant's side registered at Crime No. 539/2022, for the offences punishable under sections 324, 323, 504, 506 read with 34 of IPC, alleging that informant and his brothers assaulted applicant No. 1 with iron rod.

6. Prima facie allegations of snatching mobile phone and Rs. 8,000/- do not inspire confidence. Applicants claim that they are doing business and they do not have criminal antecedents. Possibility, therefore, cannot be ruled out that the applicants are falsely implicated in the present crime.

7. Applicants were granted interim protection and they have attended the police station and co-operated in the investigation. In that view of the matter, pre-trial custodial detention of the applicants is not warranted. The application is therefore allowed by confirming the interim order dated 8th December, 2022.

8. Till filing of charge sheet, the applicants to attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]