

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

ANTICIPATORY BAIL APPLICATION NO. 278 OF 2023

1. Nawaz Shafik Imandar
2. Shaikh Umar Shaikh Muktar

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. A.K. Bhosle, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 27th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 34 of 2023 registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 143, 147, 148, 149 and 504 of the Indian Penal Code ('I.P.C.'), under Sections 4/25 of the Arms Act, 1959 and under Section 135 of Maharashtra Police Act, 1951.

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. Learned A.P.P. reads out transcription of C.C.T.V. footage wherein Applicant No.1 – Nawaz Shafik Imandar is seen assaulting the injured on his head with a tile, as a result of which the injured suffered grievous injury. The Court is, therefore, not inclined to grant him relief.

4. Learned counsel for the applicants, therefore came around to withdraw the application of Applicant No.1.

5. So far as role of Applicant No.2 – Shaikh Umar Shaikh Muktar is concerned, learned A.P.P. was justified in contending that he too involved in the incident. His criminal liability is sought to be invoked with the aid of Section 34 of the I.P.C. The fact however is that similarly placed co-accused viz. Mahesh Vetel, Danish Shaikh and Sikandar have been granted anticipatory bail. In view of same, Applicant No.2 deserves similar relief. Hence the following order :-

ORDER

(I) Application is partly allowed.

(II) Application of Applicant No.1 – Nawaz Shafik Imandar stands disposed of as withdrawn.

(III) Order dated 28th February, 2023 granting Applicant No.2 – Shaikh Umar Shaikh Muktar ad-interim anticipatory bail, is hereby made absolute.

(IV) He shall appear before the investigating officer, as and when required for the investigating purpose.

(V) He shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD