

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.386 OF 2023

SHAIKH RIZWAN SHAIKH DAGDU
VERSUS
THE STATE OF MAHARASHTRA

WITH
ANTICIPATORY BAIL APPLICATION NO. 396 OF 2023

AZEEM AZEEZ SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant in ABA/386/2023: Mr. S. A. Patel
Advocate for Applicant in ABA/396/2023: Mr. A. K.
Bhosle

APP for Respondent – State : Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : JULY 03, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 6 of 2023 registered with Chikalthana Police Station, Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code.

2. At the outset, learned Counsels for the Applicants state that charge-sheet has been filed and that no further investigation left to have been done in

the matter. By referring to the charge-sheet, it is contended that the allegations of actual causing of assault on the informant and the witnesses are against co-accused.

3. Learned APP opposed the applications by submitting that the presence of the Applicants can be seen in the CCTV footage having wooden sticks in their hands. It is also contended that since the Applicants were absconding, charge-sheet has been filed under Section 299 of Cr.P.C.

4. Perusal of the charge-sheet shows that the first information report is lodged against unknown persons. It is also seen that the informant and others sustained injuries in the said assault. Later on, on the basis of CCTV footage identification of the assailants were ascertained. Undisputedly, present Applicants did not cause assault on the informant or witnesses. Injury certificate shows that CLW were caused to them which cannot be attributed to the wooden sticks. Merely because, Applicants were present at the spot their liberty cannot be denied. Since the charge-sheet is filed, nothing is to be recovered at their

instance.

5. Pertinently, the Applicants are protected by interim order dated 21st March, 2023. In spite of the same, the investigating officer did not find it necessary to call upon them to remain present for further investigation. This indicates that nothing is to be recovered at their instance. Hence, the applications are allowed in terms of interim order dated 21st March, 2023 & 23rd March, 2023 respectively.

(R.M. JOSHI, J.)

Malani