

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

**ANTICIPATORY BAIL APPLICATION NO.1526 OF 2023
WITH ABA/1814/2023**

**ASHRAF JAKIR SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. S. M. A. Jahagirdar
APP for Respondents: Mr. S. P. Sonpawale
...

**CORAM : R.M. JOSHI, J
DATE : NOVEMBER 02, 2023**

COMMON ORDER :

1. Applicants apprehend arrest in connection with Crime No. 241/2023 registered with Tophkhana Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 323, 324, 120-B, 143, 147, 148, 149, 109 of Indian Penal Code and Sections 4/25 of Arms Act.

2. Kunal Bhandari, informant, reported to the police incident occurred on 27.02.2023 at about 10.30 pm. It is his contention that while he was proceeding from Ramwadi towards Kapad Bazar when he reached Ramwadi chowk he was obstructed by Nasir Shaikh. Along with him 25 to 30 persons came there. They assaulted him. There is allegation against Altamash that he

assaulted him with wooden stick on his head whereas Nasir caused assault with chopper.

3. Learned Counsel for the Applicants submits that Applicants are not named in the FIR, however, later on in the supplementary statement, their names are taken. It is stated that role against other Applicants is similar to whom Anticipatory Bail is granted in ABA/595/2023. Thus, even on party, they are entitled for pre-arrest bail.

4. Learned APP opposed the application by contenting that the offence is serious in nature. According to him, informant was assaulted by 20 to 25 persons and that in the said incident he has sustained number of injuries. Thus, according to him, *prima facie* case is made out for the offence punishable under Sections 307 of IPC.

5. There is no dispute about the fact that the Applicants are not named in the FIR. Later on, their name is referred in the supplementary statement. Further, there is no dispute about the fact that the role of the co-accused who has granted Anticipatory

Bail in ABA/595/2023 is similar to the present Applicants. This Court, therefore, finds no reason or justification to deny parity and pre-arrest bail.

6. Hence, order:

O R D E R

- (i) Anticipatory Bail Application No. 1526 of 2023 is allowed by confirming interim order dated 15th September, 2023.
- (ii) In the event of arrest the of Applicants in ABA/1814/2023 in connection with Crime No. 241/2023 registered with Tophkhana Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 323, 324, 120-B, 143, 147, 148, 149, 109 of Indian Penal Code and Sections 4/25 of Arms Act, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station once in a week.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)