

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.176 OF 2023

Khashim Saifan Shaikh ..Applicant

VS.

The State of Maharashtra ..Respondent

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Mr. Vaibhav R. Gaikwad a/w Mr. Atharva R. Bhingardave i/b.

Mr. Shriram S. Chaudhari for the Applicant.

Mr. S. H. Yadav, APP for the State.

Mr. Pravin Walake, HC, Akkalkot North Police Station,
Solapur is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for pre-arrest bail in respect of
the offence punishable under Sections 327, 324, 504, 506,
143, 147, 148 and 149 of the Indian Penal Code, 1860 in
connection with C.R. No.0443 of 2021 dated 10/09/2021
registered with Akkalkot North Police Station, District
Solapur.

3. The date of the incident is 04/09/2021. The FIR is

lodged on 10/09/2021. There are cross complaints registered by the parties. My attention is invited to the order dated 16/09/2022 passed by this Court in Criminal Anticipatory Bail Application No.2489 of 2021 which is filed by the complainant and others. The order reads thus :-

"1] Heard.

2] Applicants are on ad-interim protection for almost about a year. Learned APP has produced injury certificate which speaks of the victim suffering simple injuries.

3] Internal clashes between the parties appears to be the cause for registration of the offence. As there are no antecedents against the Applicants and injuries suffered are simple in nature, it will be appropriate to confirm the ad-interim protection.

4] In the event of arrest of the Applicants in connection with C.R. No.434 of 2021 dated 05/09/2021 registered with Akkalkot North Police Station, District Solapur for the offences punishable under Sections 141, 143, 147, 148, 149, 324, 327, 427, 504 of the Indian Penal Code, they be released on bail in the sum of Rs. 15,000/- each with one or more sureties in the like amount. Applicants shall neither directly or indirectly influence the prosecution witnesses nor tamper with the evidence. Applicants shall attend the Investigating Officer of the concerned Police Station from 26th September, 2022 to 30th September, 2022 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

5] Anticipatory Bail Application is disposed of in the above terms. As a consequence, Interim Application also stands disposed of."

4. The complainant has suffered simple injuries. In view of the observations made in the order dated 16/09/2022 even the present applicant can be granted anticipatory bail as the custodial interrogation is not required.

5. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R. No.0443 of 2021 dated 10/09/2021 registered with Akkalkot North Police Station, District Solapur, the applicant-Khashim Saifan Shaikh shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall neither directly or indirectly influence the prosecution witnesses nor tamper with the evidence.

(d) The applicant shall attend the Investigating Officer of the concerned Police Station on 21/01/2023 and 22/01/2023 between 10.00 a.m. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

(e) The applicant shall furnish the details of his residential address and phone number to the

investigating officer.

- 6.** The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)