



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 9 OF 2024

1. Mohammad Maaz Mohammad Faruq Beg
2. Mujawar Mohammad Zaid Faruq Beg ... Applicants

VERSUS

The State Of Maharashtra
and another ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2072 OF 2023

1. Ajijabee Yusuf Baig Mirza @ Aju
2. Sajeda Parvin Ahamoddin Shaikh
3. Shaikh Nafisabee Shaikh Mehmood ... Applicants

VERSUS

The State Of Maharashtra ... Respondents

.....

Mr. Rohit P. Patwardhan, Advocates for the Applicant
Ms. Uma S. Bhosale, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.845 of 2023 registered with Nandurbar City Police Station, Nandurbar for offences punishable under sections 307, 452, 324, 323, 141, 143, 147, 148, 149, 336, 337, 504, 506 of the Indian Penal Code.

2. After arguing at length on merits, when this Court was not inclined to grant relief to applicant No.2 in anticipatory bail application No.9 of 2024, learned advocate for applicants, on instructions, seeks permission to withdraw application to the extent of applicant No.2.

2. Permission granted.

3. Application of applicant No.2 Mujawar Mohammad Zaid Faruq Beg is dismissed as withdrawn.

4. FIR is lodged by Ajij Shaikh Chand Mistri against 10 accused persons including applicants alleging that on 29.10.2023 at about 5.30 p.m. accused Nos. 1 to 10 formed unlawful assembly in front of the house of informant, the common object of the assembly was to commit criminal house trespass to give threats and to beat informant. Faruq (A-1) assaulted informant with fist blows on left ear and hands, Mujamil @ Vikki (A-2) gave abuses and pelted bricks, Maaz Mirza (A-6) assaulted him on stomach with fist and kick blows, Jayed Mirza (A-3) caught hold of him and Faruq (A-1) beat Abdul Gaffar Mistri by brick and caused injury over nose. Mujamil @ Vikki (A-2) inflicted blow of some article over left eye and hand and caused injuries to informant. Jyed @ Raja

Mirza (A-3) inflicted blow of iron rod over head and forehead of Javed Abdul Sattar Mistri. Abid Anish Mirza (A-4) caught hold of him and Adil @ Sonu (A-5) gave beating to Javed. Nafissa (A-8), Pravin (A-9) and Aju (A-10) abused and gave threats to kill them. Sadik (A-7) beat witness Javed by stick.

5. Applicants' side has lodged FIR about the same incident as Shaikh Muzammil Shaikh Mehmood, Mirza Ahmad Beg @ Beg @ Aabid and Beg Jabin Bano Farukh are injured in the said incident. FIR is registered at Crime No.850 of 2023 for offences punishable under sections 324, 323, 452, 141, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code at Nandurbar City Police Station, Nandurabar.

6. Heard learned advocate for applicants and learned APP for respondents – State. Perused the papers of investigation.

7. Investigation papers reveal that informant has also suffered injuries in the assault made by applicant Mohammad Maaz. So far as other applicants in anticipatory bail application No.2072 of 2023 are concerned, only allegations against them in FIR are that they abused and threatened the informant. *Prima facie*, their false implication in the crime cannot be ruled

out at this stage. Considering their gender and allegations made against them, and as nothing is to be recovered from them, their pre-trial custodial detention is not necessary in the facts of the present case.

8. Applications are therefore allowed by confirming interim protection granted to applicants on 18.12.2023 and 03.01.2024, respectively.

9. Till filing of charge-sheet, applicants shall attend the concerned police station as and when called by Investigating Officer. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane