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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.216 OF 2024

1. Akram Aslam Shah
 2. Sabbir @ Saber Aslam Shah
- APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mrs. Asfia N. Ansari, Advocate for the applicants
Mr. S. P. Sonpawale, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 13 of 2024 registered with Chalisgaon Road Police Station, District - Dhule for offence punishable under sections 326, 323, 504, 506, 427 read with 34 of the Indian Penal Code.
2. Hasim Hrun Pinjari lodged FIR alleging that on 11th January, 2024 at about 10.30 p.m. Shahrukh Munaf Shaikh @ Deva Chor assaulted him with pipe, on head and left hand. Akram Aslam Shah and Sabbir Shah Aslam Shah (applicants) assaulted him with sticks on stomach, back, hands and legs. Due to assault he fell down.
3. Heard learned advocate for applicants and learned APP for

the State. Perused the papers of investigation.

4. Main allegations of assault on the informant are against Shahrukh Munaf Shaikh. He was arrested on 13th January, 2024 and is released on bail. Though allegations of assault by sticks are made against applicants, medical papers do not support those allegations. Injury certificate of informant reveals that he has suffered incised injuries on head, left forearm, occipital region and on abdomen and multiple abrasions on face, due to sharp object. Though specific allegations that applicants assaulted informant with sticks on stomach, back, hands and legs are made, there are no corresponding injuries mentioned in the medical report. Therefore, there appears substance in the contention of the applicants that there is over exaggeration and false implication of applicants in the present matter. Applicants are permanent residents of Dhule and they have no criminal antecedents. Since nothing is to be recovered from them, their pre-trial custodial detention is not necessary.

5. In the result, application is allowed.

6. In the event of arrest of applicants - Akram Aslam Shah and Sabbir @ Saber Aslam Shah in connection with Crime No. 13 of 2024 registered with Chalisgaon Road Police Station, District - Dhule they be released on executing Personal Bonds and Surety

Bonds of Rs.15,000/- with one surety each in the like amount. Till filing of the charge sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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