



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 328 OF 2024

ADIL @ SONU KALYA AAHEMODDIN MIRZA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 333 OF 2024

MOHAMMAD FAROOQUE BAIG YUSUF BAIG @ FAROOQUE JUMMA
USTAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Rohit P. Patwardhan, Advocate for Applicant
Mr. R.B. Dhaware, APP for Respondents/State

...
CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th APRIL, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.845/2023, registered with Nandurbar City Police Station, Dist. Nandurbar, for offence punishable under Sections 307, 452, 324, 323, 141, 143, 147, 148, 149, 336, 337, 504, 506 of the Indian Penal Code.
2. FIR is lodged by Ajit Chand Mistri alleging that on 29/10/2023 at about 05:30 p.m., Farooque prevented him from parking motorcycle at the place where he always parks his motorcycle. When informant told him that he is parking motorcycle there since last seven years, Farooque Jumma Ustad got angry and

assaulted informant with fist blows on left ear and hand. Thereafter Mujammil alias Vicky abused informant and threw bricks on him. Mas Mirza assaulted informant with fist and kick blows on stomach. Jayed Mirza caught hold of informant and Farooque Jumma Ustad assaulted Abdul Gaffar Mistri with brick on his nose. Vicky Mistri assaulted with some object on the head and forehead. Jayed alias Raja Mirza assaulted Javed Abdul Sattar Mistri with iron rod on head and forehead. Abid Mirza caught hold of him. Adil alias Kalya assaulted Javed. Thereafter Nafisa, Pravin, Aju abused and threatened them to kill. Sadik Mirza assaulted Javed with stick. At that time, Chand Ismail Mistri, Sattar Haji Nek Mohammad Mistri and Ismail Nek Mohammad Mistri intervened and separated them from accused persons.

3. Heard learned advocate for applicants and learned APP for respondents/State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant Mohammad Farooque Baig Yusuf Baig alias Farooque Jumma Ustad, learned advocate for applicants, on instructions, seeks permission to withdraw his application. Permission granted. Anticipatory Bail Application No.333/2024 filed by Mohammad Farooque Baig Yusuf Baig alias Farooque Jumma Ustad is dismissed as withdrawn.

5. Applicants claim that cross FIR of the said incident is

lodged by Mujammil Shaikh Mehmud against 13 accused persons, including informant in the present crime. In the said incident Mujammil, Abid and Jabinbano were injured.

6. Injury certificate of Javed reveals that he has suffered two contused lacerated wounds on forehead and right parietal occipital region. *Prima facie*, those injuries are attributed to Jayed alias Raja Mirza. Vague statement is made that Adil and Sadik assaulted Javed with stick, as no such injuries are reflected in the injury certificate.

7. Considering the facts of the present case, over implication of applicants cannot be ruled out. FIR is registered on 30/10/2023. Investigation appears to be almost complete and charge-sheet is likely to be filed. Nothing is to be recovered from applicants.

8. In the result, Anticipatory Bail Application No.328/2024 is allowed by confirming interim protection granted to applicants Adil alias Sonu Kalya Aahemoddin Mirza and Sadik Anis Beg Mirza by order dated 29/02/2024.

9. Applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)