



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 ANTICIPATORY BAIL APPLICATION NO. 554 OF 2024

1. Shaikh Jainab Begum Shaikh Chandshah
2. Naziya Wajed Shaikh
3. Shaikh Chand Shaikh Dadamiya
4. Nilofarbegum Shaikh Abdul Wajed
5. Shaikh Navid Shaikh Chandshah (withdrawn)
6. Shaikh Ubed Shaikh Chandshah
7. Asmabegum Shaikh Shafiq ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police, Beed ...Respondents

...
Advocate for Applicants : Mr. Z. H. Farooqui and Mr. Patel Khizer
APP for Respondents: Mr. M.L. Sangit
Advocate to assist the A.P.P. : Mr. A.S. Gandhi

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 5th AUGUST, 2024.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.5 Shaikh Navid Shaikh Chandshah. Leave granted. The application of applicant No.5 is disposed of as withdrawn.

2. In so far as the applicant Nos. 1 to 4, 6 and 7 are concerned, they apprehend arrest in connection with crime No. 34 of 2024 registered with Peth-Beed Police Station, district Beed, for the

offences punishable under Sections 326, 327, 324, 354, 354-B, 452, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, under Sections 3/25 of the Arms Act and under Section 37(1) and 135 of Maharashtra Police Act.

3. It is the prosecution's case that on 16.2.2024 when the informant was present in her house with her children, at that time, applicant Nos. 1 and 2 came in front of her house and abused her. At that time, co-accused Shaikh Navid came there and called other co-accused there. It is alleged that the other co-accused assaulted the informant with wooden stick and pistol. Due to the said assault, the informant got seriously injured.

4. It is the contention of the learned counsel for the applicants that the other co-accused against whom the allegations of assault on informant are made, they were arrested by the police and have been released on regular bail. Learned counsel further submitted that the only allegations against the applicants are that they abused the informant. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP alongwith the learned

counsel to assist the APP that applicant Nos. 1 and 2 started abusing the informant and thereafter the other co-accused assaulted the informant. There is involvement of the applicants in the said crime. The custodial interrogation of the applicants is required and requested to reject the application.

4. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. the allegations against the present applicants are that they abused the informant. The main allegations are against co-accused Shaikh Navid, who has withdrawn his application. Considering the allegations against the applicants, their custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicants vide order dated 08.04.2024 stands confirmed to the extent of applicant Nos. 1 to 4, 6 and 7, on the same terms and conditions.

(SHIVKUMAR DIGE, J.)