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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.607 OF 2024

Shaikh Sibtain Raza s/o Shaikh Tahesin

APPLICANT

VERSUS

The State of Maharashtra & Another

RESPONDENTS

.....
Mr. Taher Ali Quadri, Advocate for the applicant
Mr. S. B. Jadhav, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JULY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 479 of 2023 registered with Kalamnuri Police Station, District - Hingoli for offence punishable under section 307, 326, 324, 323, 143, 147, 148, 149, 504, 506, 294 of the Indian Penal Code.
2. FIR is lodged by Farukhkha Samsherkha Pathan alleging that on 11th August, 2023, he along with his brother Ashraf, cousins Imran, Noman went to Noori Baba Urus. When they were returning to their house, at that time, someone's foot fell on the leg of Imran. So, informant asked the said person to walk properly. Therefore, accused Riyaz, Farukhan, Bakhtiyar abused informant. People who were present there, resolved their quarrel. Accused Riyaz threatened him and went away. When they were

near the arch to go home, there they saw Shaikh Altaf Shaikh Mubin, Riyazz Mustan Naik, Farukan Khan, Siddiqui, Taswwur Razvi alias Sonuy, Bakhityar Naik, Mushayad Naik, Faizan Naik, Junaid Naik, Shahrukh Naik, Neeshan Naik, Saber Naik, Ayaz Naik, Miraj Mastan Naik, Izhar Niak, Moiz Naik, Raja Shakri Naik and 7 to 8 persons carrying iron katti, iron rod and sticks. All the accused persons attacked informant. Bakhtiyar Naik assaulted on his stomach, back, shoulder, left hand, neck and head, by iron rod. He suffered bleeding injury to his head. His brother Sohail Ali and one Osama Siddiqui were also assaulted by all the accused persons

3. Heard learned advocate for applicant and learned APP for the State. Perused the investigation papers.

4. Perusal of medical papers shows that informant and his brother Sohail Ali both have suffered contused lacerated wounds on head, which are simple injuries. General and omnibus allegations are levelled against applicants that all accused persons have assaulted them with sticks, fists and kick blows, however, these allegations are not supported by medical record. Taking into consideration the allegations made in the FIR and the material collected during the investigation, *prima facie*, this appears to be a case of over implication of applicant. In that view

of the matter, pre-trial custodial detention of applicant is not necessary, as nothing is recovered from him.

5. In the result, application is allowed, by confirming interim protection order dated 6th May, 2024.

6. Till filing of the charge sheet applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation. Applicant shall not contact prosecution witnesses and shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**