



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 970 OF 2024

**SHAIKH IRFAN SHAIKH MUSA KURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. N. S. Ghanekar, Advocate for the applicant
Mr. M. K. Goyanka, APP for the respondent/State

**AND
ANTICIPATORY BAIL APPLICATION NO. 1070 OF 2024**

**SHOEB SALEEM QURESHI
VERSUS**

THE STATE OF MAHARASHTRA

Mr. A. S. Bayas, Advocate for the applicant
Mr. B. B. Bhise, APP for the respondent/State

AND

**ANTICIPATORY BAIL APPLICATION NO. 1449 OF 2024
SHAIKH AKHTAR SHAIKH ASMAN @ ARMAN KURESHI
VERSUS**

THE SUPERINTENDENT OF POLICE AND ANOTHER

Mr. S. N. Suryawanshi, Advocate for the applicant
Mr. B. B. Bhise, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 609/2023, registered with Chopda City Police Station, Dist. Jalgaon for the offences punishable under Sections 307, 353, 332, 143, 147, 148, 149, 323, 506, 427, 109 of Indian Penal Code.

2. First information report is lodged by A.P.I., Chopda City Police Station who informs about the incident occurred on 01/12/2023 at around 11.00 p.m.. It is his contention that a mob of about 25 to 30 persons gather near Aasha talkies. When he along with other police personnel went to the spot to disperse them, the person mentioned in the first information report had man-handled and assaulted him with kick and fist blows. There is specific allegation against Shaikh Sajid Shaikh Salim Kureshi that he assaulted informant with iron fighter on his left hand. It is also alleged that the same person assaulted in with a stick. On the basis of these allegations, offence came to be registered against the applicants.

3. Learned counsel for the applicants submits that except for the applicant Shoeb name of the other two applicants are not mentioned in the first information report. It is their submission that on the basis of alleged statement made by the co-accused, their involvement in the crime cannot be accepted. In so far as, the applicant Soheb is concerned, the learned counsel for the applicant submits that the allegation against him is omnibus and there is no specific allegation with regard to the overt act committed by him in this crime.

4. Learned App opposed to the grant of anticipatory bail on the ground that in case of assault being caused on a police officer, the accused are not entitled for pre arrest bail. It is his submission that

accused Soheb's name specifically mentioned in the first information report and there is specific contention of the informant about he along with 10-15 other persons assaulted him with kick and fist blows. Thus, it is his submission that this is not a fit case for grant of pre arrest bail.

5. There is no dispute about the fact that the informant had named 7-8 persons in the first information report. The other two applicants than Soheb are arrayed in this crime on the basis of the statement of the co-accused. Except for the statement of co-accused at least at this stage there is no material on record to connect them with the crime. As a result of this, they are entitled for anticipatory bail. As far as applicant Soheb is concerned, though he is named in the first information report and it is also alleged that he along with other persons assaulted the informant with fist and kick blows. Though this Court concurs with the submission of the learned APP that the assault on police officer while he was on duty is not acceptable but the said aspect can be considered during trial. The question arises as to whether this is the case wherein custodial interrogation of the applicants is necessary. Considering the nature of act alleged against them, there is no question of recovery of any weapon at their instance. As such for want of custodial interrogation and since applicants are not likely to flee, there is no justification to deny bail. Hence the order.

ORDER

(i) In the event of arrest of applicants in connection

with Crime No. 609/2023, registered with Chopda City Police Station, Dist. Jalgaon for the offences punishable under Sections 307, 353, 332, 143, 147, 148, 149, 323, 506, 427, 109 of Indian Penal Code, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each.

(ii) They shall attend the concerned police station once in a week.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp