



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

**ANTICIPATORY BAIL APPLICATION NO. 1136 OF 2024**

1. Sayyed Barkat s/o. Sayyed Abrar  
Age 80 years, Occu. Labour  
R/o. Narsi (N), Tq. And Dist. Hingoli
2. Sayyed Mohsin s/o. Sayyed Barkat,  
Age 34 years, Occu. Service,  
R/o. As above .. Applicants

Versus

The State of Maharashtra  
Through Narsi Namdeo Police Station,  
Tq. And Dist. Hingoli .. Respondent

Mr. Ziya Jakeriya Pathan, Advocate for Applicants;  
Ms. V. S. Choudhari, APP for Respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 21-08-2024**

**PER COURT :-**

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants seek pre-arrest bail in Crime No.42 of 2024 registered with Narsi (N) Police Station, Taluka and District Hingoli, for the offences punishable under Sections 307, 326, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act.

3. It has been alleged against applicant No.1 - Sayyed Barkat s/o. Sayyed Abrar that after assaulting injured, he dragged the injured holding his legs and applicant No.2 - Sayyed Mohsin s/o. Sayyed Barkat called the injured and his family for settlement of the dispute. However, during the course of assault, he kicked on mouth of one Kazi Ahemed.

4. The learned counsel for the applicants submits that both applicants have played no role. However, applicant No.2 Sayyed Mohsin called them to settle the dispute. Hence, he has been arraigned as an accused. Applicant No.1 - Sayyed Barkat is 80 years old. Both applicants, as per the allegations, did not use the weapon. Therefore, their custodial interrogation would not be required.

5. The learned A.P.P. has strongly opposed the application. She submits that it is a pre-planned assault. Instead of settling the dispute, applicant No.2 Sayyed Mohsin assaulted one of the injured and applicant No.1 Sayyed Barkat dragged the injured holding his legs. They were well prepared for assaulting the injured and his family. Therefore, considering their role of the applicants, they do not deserve pre-arrest bail.

6. The role attributed to the applicants, as discussed above, was beating by kicks and dragging one of the injured. Whether applicant No.2 Sayyed Mohsin had knowledge about assault is a

matter of evidence.

7. Be that as it may, the role attributed to the applicants as per allegations clearly shows that they did not used the weapons. Nothing is required to be recovered from them. In the circumstances, nothing new would be interrogated from them in a custodial interrogation. Hence, they deserve pre-arrest bail on certain conditions. Hence, the order :-

**ORDER**

- (i) The Anticipatory Bail Application is allowed.
- (ii) The order granting interim protection dated 10.07.2024 is confirmed on the conditions that;
  - (a) They should attend the concerned police station as and when called on written notice by the investigating officer till filing chargesheet against them;
  - (b) They should maintain law and order;
  - (c) They should not contact or threat the prosecution witnesses;
  - (d) They should not involve in the identical crime.

**( S. G. MEHARE )  
JUDGE**