



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 ANTICIPATORY BAIL APPLICATION NO. 1187 OF 2024

SHAIKH ZUBAIR SHAIKH SUBHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Sr. Advocate for Applicant : Mr. Rajendraraa Deshmukkh a/w. Mrs.

Rakshanda Jaiswal i/b. Mr. D.R. Deshmukh

APP for Respondents/State : Mr. P.P. Dawalkar

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 13, 2024

PER COURT :-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No. 30/2024 dated 25.1.2024 registered with City Chowk Police Station, Aurangabad for the offences punishable under sections 307, 143, 504, 341, 506 of the I.P.C.

3] It is the case of the prosecution that on 24.01.2024 at 5.45 p.m., 3 persons namely Shaikh Yunus, Zuber Patel (applicant herein) and Shoheb came in front of the Inova car of the informant namely Mujahid Patel and had picked up stones from the street and assaulted the informant by means of stone. Other accused came there and said that he will not leave the informant alive and assaulted informant by means of knife on the head of informant - Mujahed Patel and thereafter all the accused ran away from the spot. Considering the allegations made in the complaint, primarily the offence punishable under Section 307/326 IPC would be attracted against the Shaikh Yunus who is behind bars. As far as the present applicant is concerned, the role of the applicant seems to be very limited. It appears that he had assaulted the informant by means of stones. However, there is no corresponding injury on the informant connecting the applicant with the

crime. The second injury sustained by the complainant is simple in nature. Considering the role of the applicant, interim protection was granted by this Court dated 16.07.2024 and that the applicant has cooperated with the investigation.

4] In view of the above, the application is allowed and the interim protection granted to the applicant on 16.7.2024 is confirmed on the following terms :

i] The applicant shall attend the concerned police station as and when required.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

5] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

6] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7] The application stands disposed of.

(ARUN R. PEDNEKER, J.)

PRW