



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1278 OF 2023

1. Shaikh Nisar Shaikh Salar Patel
2. Shaikh Gaffar Shaikh SalarApplicants

VERSUS

The State Of MaharashtraRespondent

.....
Mr. Satej S. Jadhav, Advocate for the Applicants
Mr. S.B. Jadhav, APP for Respondents – State
Mr. A.M. Inamdar, Advocate for Informant
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.142 of 2023 registered with Dindrud Police Station, District Beed for offence punishable under sections 323, 327, 365, 506 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Kazi Shamim Yusufoddin on 14.06.2023 alleging that he runs *Vimaltai Rathod Niwashi Ashram* School at Shirsala, which is run by Ahmad Raza Education Society, Georai, District Beed. Shaikh Nisar has been serving as a non-teaching employee in the said School since 2019 on temporary basis. The said school is non-grant-

in-aid, but it received 100% grant on 13.06.2023. Shaikh Nisar was knowing this fact, and therefore, on 11.06.2023, he came to the informant and asked him to appoint his sister in the said School. Informant replied that he would see the documents and then decide. However, Shaikh Nisar insisted that he should appoint his sister on the same day, else he would see him.

On 12.06.2023 at about 11.00 a.m., informant left Shirsala with an amount of Rs.2,00,000/- for attending meeting in *Mantralaya*, Mumbai by his four wheeler bearing No. MH-15-AL-1814. The said vehicle was driven by Ibrahim. At about 9.00 p.m, he stayed at Visava Dabba in the vicinity of village Nitrud for dinner. At that time, he received a call from applicant No.1 Shaikh Nisar. Applicant No.1 Shaikh Nisar asked him to stay there. After some time, applicant No.1 Shaikh Nisar and his brother applicant No.2 Shaikh Gaffar came there. Both of them asked the driver of informant to bring their four wheeler there. After he went away, both the applicants forcibly made informant to sit in their vehicle. They tied his hands and legs and tied a strip of cloth on his eyes and assaulted him and robbed him of the amount of Rs.2,00,000/-, his mobile phone, Aadhaar Card, PAN card, ATM card and spectacles. They also

threatened to kill him. After about two hours, at 12.30 a.m. they stopped the vehicle and untied informant and dropped him on the road under a tree. At that time, Shaikh Salar Patel came their and asked informant not to complaint about the incident, otherwise he would face dire consequences.

3. Heard learned advocate for applicants, learned APP for respondent – State and learned advocate for informant. Perused the investigation papers.

4. According to applicants, they are innocent and they have not committed any offence. There is a delay of three days in lodging FIR. Applicant No.1 Shaikh Nisar and his sister Samina Shaikh are already appointed as Assistant Teachers in the year 2013. There are no criminal antecedents and they had no occasion to abduct or rob informant.

5. Learned APP opposed the application by relying on the investigation papers.

6. It appears that there is CCTV footage of applicants and informant, wherein they all are seen talking to each other, and thereafter, informant is seen sitting in the car of applicants. It can be seen that applicants and informant were talking in cordial terms and they had kept their hands on each

others shoulders. *Prima facie*, allegations made in the FIR do not appear to be believable. Considering the CCTV footage, applicants deserves protection.

8. Application is therefore allowed by confirming interim protection granted to applicants by order dated 04.08.2023.

9. Applicants shall surrender the car allegedly used in the present crime, and shall co-operate in the investigation by attending the concerned police station everyday from 12.02.2024 to 16.02.2024 10.00 a.m. and 12.00 noon. Applicants shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane