



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1534 OF 2023

1. Farukh Khan Hussain Khan
2. Amjad Khan Hussain Khan
3. Shakib Farukh Khan
4. Yunus Khan Ibrahim KhanApplicants

VERSUS

The State Of MaharashtraRespondent

.....
Mr. M.R. Wagh, Advocate for applicants.
Mr. S.B. Jadhav, Advocate for respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1200 OF 2023

1. Hussainkhan Gulabkhan
2. Arshad Khan Husainkhan
3. Jakirkhan Ajgarkhan
4. June Sk. Sadik
5. Ahmad Khan Yunuskhan
6. Rashid Sk. JamsherApplicants

VERSUS

The State Of Maharashtra & AnotherRespondent

.....
Mr. M.R. Wagh h/f,. Mr. H.F. Pawar, Advocate for applicants.
Mr. S.B. Jadhav, Advocate for respondent.
Mr. M.G. Kochar, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 259/2023,

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registered with Parola Police Station, District- Jalgaon, for the offences punishable under sections 325, 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Shaikh Shahabuddin Shaikh Kutobuddin, alleging that on 19.06.2023 at 9.30 pm, ten accused persons including applicants assaulted him, his son, his grand son, his sister-in-law with iron rods, sticks and fist blows.

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

4. It is the case of applicants that applicants have lodged FIR at Crime No. 258/2023 against informant's side with Parola Police Station, Jalgaon, under sections 143, 147, 148, 149, 326, 324, 323, 504, 506 of the Indian Penal Code, and due to assault mentioned in said FIR, applicants have exercised right of private defence.

5. So far applicants in Anticipatory Bail Application No. 1534/2023 are concerned, there are specific allegations against them that applicant- Farukh has assaulted son of informant with iron rod. A fist blow was given by Applicant- Amjad Khan on the

face of informant, due to which his tooth was dislocated. Applicant- Shakib gave blow with iron rod on the head of on informant's grand son Muzammil. Applicant- Yunus assaulted Mohammad on hands and legs with stick.

6. Perusal of investigation papers confirms the involvement of applicants in the present crime. Specific overt acts are attributed to applicants and informant and his family members have suffered injuries in the said assault. At this stage, it is not possible to consider who was attacking party and which party has exercised right of private defence.

7. Custody of applicants is necessary for effective investigation as weapons are yet to be recovered. Applicants therefore do not deserve discretionary relief of anticipatory bail.

8. So far as Applicants in Anticipatory Bail Application No. 1200/2023 are concerned, though they are named in the FIR, no specific overt act is attributed against them and general allegations are levelled that they have participated in the assault. Nothing is to be recovered from them. In that view of the matter, their application deserves to be allowed. Hence, the following order:

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ORDER

1. Anticipatory Bail Application No. 1534 of 2023 is rejected.
2. Anticipatory Bail Application No. 1200 of 2023 is allowed by confirming the interim protection granted on 24.07.2023.
3. Applicants in Anticipatory Bail Application No. 1200 of 2023 shall attend the concerned police station as and when called by the investigation officer. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]