

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

Illu Thekedar @ Shaikh Zubair Shaikh Gaffar **APPLICANT**

VERSUS

The State of Maharashtra and Another **RESPONDENTS**

ANTICIPATORY BAIL APPLICATION NO.1667 OF 2023

The State of Maharashtra and Another RESPONDENTS

ANTICIPATORY BAIL APPLICATION NO.1552 OF 2023

The State of Maharashtra and Another RESPONDENTS

Mr. P. P. Patni, Advocate for the applicant
Mr. A. R. Kale, APP for respondent - State

WITH

The State of Maharashtra and Another RESPONDENTS

Mr. Sayyad Tauseef Yaseen hf Mr. Mohd Assm Mohd Abdul
Kaleem, Advocate for the applicant
Mr. A. R. Kale, APP for respondent - State

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 217 of 2023

registered with Nandurbar City Police Station for offence punishable under section 341, 363, 307, 143, 147, 148, 149, 323, 504, 506 (2) of the Indian Penal Code and u/s 37 (1), 37 (3) and 135 of the Maharashtra Police Act.

2. FIR is lodged by Sagar Madhukar Kukawalkar alleging that on 23rd July, 2023, at about 4.15 p.m., applicants, along with 15 to 20 other accused persons came on motorcycle, by forming unlawful assembly and common object of the assembly was to restrain the informant and kidnap him. Accordingly, informant was kidnapped from C. B. Petrol Pump. He was beaten by fists and kick blows. One of the accused person pointed knife at his neck and threatened him. Informant was, thereafter taken at Gazi Nagar and was beaten there also. Informant was taken from one place to other and was beaten by hockey stick on head, mouth and back. Mob of accused persons beat him with fists and kick blows and by stones and his cell phone was snatched. Incident of beating was recorded in the cell phone of accused. Thereafter, informant was left at Dhule Choufully.

3. Heard learned advocates for applicants and learned APP for State. Perused the papers of investigation.

4. Pursuant to the registration of crime, 28 accused persons

were arrested and some of them are identified by informant.

5. General allegations are levelled against applicants that they have participated in the alleged offence. Injury certificate of informant shows that he has suffered two simple injuries. *Prima facie*, therefore, allegations of assault with hockey stick etc. that too by many accused persons, cannot be accepted.

6. Considering the general allegations levelled against applicants and the fact that 28 accused persons are already arrested, custodial detention of the applicants is not necessary, as nothing is to be recovered from them.

7. Applications are, therefore, allowed by confirming interim protection granted to applicants.

8. Applicants shall co-operate in the investigation and shall attend identification parade, if any, conducted by the Investigating Officer.

9. Till filing of the charge sheet, applicants shall attend the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE