



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

ANTICIPATORY BAIL APPLICATION NO.1789 OF 2023

SHAIKH AFROZ SHAIKH JANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S.P. Katneshwarkar, Advocate for Applicant No.2
Mr. N.B. Patil, APP for Respondents/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MARCH, 2024

PER COURT :

1. Applicant No.2 Shaikh Gaus Shaikh Jani apprehends arrest in C.R. No.494/2023, registered with Basmathnagar City Police Station, Hingoli, for offence punishable under Sections 307, 109, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Shaikh Amjad Shaikh Pashu alleging that, on 17/09/2023, at about 08:00 p.m., he along with his brother Mohammad Navid Shaikh Pashu was proceeding on motorcycle towards agricultural land of Abdul Wahid. When they reached at Dudh Dairy of Shiva Pawar, suddenly Shaikh Fayyum Shaikh Jani, Shaikh Afaroze Shaikh Jani, Shaikh Javed alias Babalu Shaikh Jani and Shaikh Gaus Shaikh Jani (applicant No.2), came there and started assaulting them. Shaikh Fayyum and Shaikh Afaroze caught hands of informant's brother. When informant was trying to rescue him, Shaikh Gaus Shaikh Jani and Shaikh Javed gave him slaps and fist

blows. Shaikh Javed alias Babalu took out dagger from his waist and rushed on informant. Therefore, he ran away from the spot raising hue and cry and stood at some distance. At that time, Shaikh Gaus said Babalu do not leave him, kill him. Then Shaikh Javed alias Babalu inflicted dagger blows on the stomach of his brother. Thereafter, all accused persons fled away from the spot.

3. Heard learned APP for respondents/State and learned advocate for applicant No.2. Perused the investigation papers.

4. Active participation of accused Shaikh Afroz Shaikh Jani and Shaik Fayyum Shaikh Jani appears to be there in present crime. Main assault by dagger is attributed to Shaikh Javed alias Babalu. Only allegation against applicant No.2 is that he exhorted Babalu to kill informant's brother and Babalu assaulted Navid Shaikh Pashu with dagger. Applicant No.2 has allegedly gave slaps and fist blows to informant.

5. Considering the allegations made against applicant No.2 and role attributed to him, his custodial detention is not necessary as nothing is to be recovered from him. Applicant No.2 has no criminal antecedents and he is permanent resident of village Basmathnagar, Hingoli. He is not likely to abscond, if released on bail. Investigation appears to be almost complete.

6. In the result, application is allowed by confirming

interim protection granted to applicant No.2 by order dated 04/11/2023.

7. Till filing of charge-sheet, applicant shall attend concerned police station on every Saturday and Sunday, between 10:00 a.m. to 12:00 p.m. and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

8. Pendrive tendered by applicant No.2 along with his affidavit be returned back to him.

(NITIN B. SURYAWANSHI, J.)