



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1978 OF 2023

1. Amiroddin S/o Hamdoddin Kazi
2. Kishor S/o Sham Javale ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

.....
Mr. Kayyum Najir Shaikh, Advocate for Applicants
Mr. A.R. Kale, APP for Respondent – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.251 of 2023 registered with Bidkin Police Station, District Aurangabad for offences punishable under sections 327, 341, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under sections 4/25 of Arms Act.

2. FIR is lodged by Shaikh Akbar @ Miyabhai Maheboob Shaikh alleging that on 06.07.2023 in the night, while he was taking meal at Shivraj Hotel, Bidkin, one Feroz call and asked him about his whereabouts. Informant told him that he is at Shivraj Hotel. Firoz then told him that he has taken contract to kill him from Wahed Shaikh for Rs.30,000/- and he along with Aamir Kazi are coming to Bidkin. Informant asked him from

where he is calling. Firoz told him that they are at Lucky Bar near Chitegaon Toll Naka. Informant went to Lucky Hotel, but nobody was there. Thereafter, he came to his house in his vehicle at about 1.00 a.m. At that time, Aamir Kazi reached there in vehicle no. MH-20-CF-0264 parked in front informant's house and alighted holding a beer bottle and sword. Aakash Edake and Kishor Javale, resident of Chitegaon, Sonu, resident of Georai Tanda and 3-4 other persons were accompanying him. While informant was stopping his vehicle in front of his house, all the accused came near his vehicle and they were about to assault him with beer bottle, therefore, informant took his vehicle in reverse and started proceeding to Bidkin. At that time, his younger brother Shahanoor was also coming to Bidkin in car no.MH-20-DV-4049. At that time, Aamir Kazi made him stop on Chitegaon-Bidkin road in front of weight scale and broke the glass of his car and gave him beating and threatened him with sword and abused him. An amount of Rs.34,700/- were extorted from his brother. Earlier also Aamir Kazi has assaulted many people with sword, but due to his fear, nobody gives complaint against him. Earlier also many times he has tried to extort money from informant.

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant no.1 Amiroddin Hamdoddin Kazi, learned advocate for applicants, on instructions, seeks permission to withdraw application of applicant no.1 Amiroddin Hamdoddin Kazi. Permission granted. Application of applicant no.1 Amiroddin Hamdoddin Kazi is dismissed as withdrawn.

5. Perusal of FIR and papers of investigation reveals that general allegations are levelled against applicant no.2 Kishor and other co-accused. No specific overt act is attributed to applicant no.2.

6. Taking into consideration the general allegations levelled against applicant no.2 and as he has no criminal antecedents, since nothing is to be recovered from him, his pre-trial custodial detention is not necessary.

7. Application is therefore allowed by confirming interim protection granted to applicant No.2 Kishor by order dated 07.12.2023.

8. Till filing of the charge-sheet, the applicant No.2 Kishor to attend the concerned police station on every Saturday and Sunday between 10.00 a.m. to 12.00 noon and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE