



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2023

Nasir Sardar Shaikh And OthersApplicants

VERSUS

The State Of MaharashtraRespondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2049 OF 2023

Javed Sikander ShaikhApplicant

VERSUS

The State Of MaharashtraRespondent

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Mr. H.D. Deshmukh, Advocate for applicants.

Mr. S.B. Jadhav, APP for respondent.

Mr. N.B. Patekar, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 2nd FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 1016/2023, registered with Newasa Police Station, Ahmednagar, for the offences punishable under Sections 307, 323, 324, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR is lodged by Fayyaz Khan Feroz Khan Pathan alleging that Shakil alias Saddam Nasir Shaikh, Sameer Nasir

Bhagyawant Punde

Shaikh, Nasir Sardar Shaikh, Mehboob Sardar Shaikh, Altaf Amin Shaikh, Ashir Amin Shaikh, Javed Sikander Shaikh and two to three unknown persons assaulted him and his father on 08.10.2023 at about 8.00 to 8.30 pm, with sharp weapons which were carried by Shakil Shaikh. Sameer Shaikh was carrying iron rod. Javed was carrying small knife. Nasir Shaikh and other unknown persons were carrying sticks. They all assaulted informant and his father, due to which they both suffered grievous injuries.

3. Heard learned advocate for applicants, learned APP for respondents assisted by learned advocate for informant. Perused the investigation papers.

4. After arguing for some time on merits, when this Court was not inclined to grant relief to applicants- Nasir Sardar Shaikh and Altaf Amin Shaikh, learned advocate for applicants on instructions seeks permission to withdraw application of applicants- Nasir Sardar Shaikh and Altaf Amin Shaikh. Permission granted. Application of applicants -Nasir Sardar Shaikh and Altaf Amin Shaikh is dismissed as withdrawn.

5. Perusal of investigation papers show that there was

free fight between two groups. It appears that in the incident in question, accused Sameer, Shakil and Javed have suffered injuries. Offence at Crime No. 988/2023 is registered against Feroz Amir Khan Pathan, Fayyaz Feroz Khan Pathan and Babbu Suban Patel with Newasa police station, Ahmednagar, for offences punishable under sections 307, 323, 324, 504, 506 r/w. 34 of IPC. In that crime, Fayaz Pathan and Babbu Patel were arrested and charge sheet is filed in the said crime.

6. Perusal of investigation papers in the present crime shows that weapons i.e. two knives, one iron rod are seized. Injury certificate of Fayyaz Khan Feroz Khan Pathan shows that he has suffered incised wound on lateral aspect of right arm and blunt injury on occipital region of head. Feroz Khan Pathan has suffered blunt injury on leg. Fayyaz Khan Feroz Khan Pathan was admitted in the hospital for eight days.

7. Considering the injury certificates and the fact that omnibus allegations are levelled against applicants- Mehboob Shaikh, Ashir Shaikh and Javed Shaikh and as investigation is on the verge of completion, their custodial detention is not necessary in the facts of the present case. Applicants were granted interim protection and they have co-operated in the

investigation. In the result, applications are allowed by confirming the interim protection granted on 06.12.2023 and 13.12.2023.

[NITIN B. SURYAWANSHI, J.]