



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1683 OF 2023

Shaikh Meraj Ahmed Shaikh Mastan Naik
And Another

....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. Taher Ali Quadri, Advocate for applicants.
Mr. B.M. Dhanure, APP for respondent.

AND

ANTICIPATORY BAIL APPLICATION NO. 2054 OF 2023

Shaikh Altaf Shaikh Mujeeb And Another

....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. Taher Ali Quadri, Advocate for applicants.
Mr. A.R. Kale, APP for respondent.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 479 of 2023, registered with Kalamnuri Police Station, Dist. Hingoli, for offences punishable under sections 307, 326, 324, 323, 143, 147, 148, 149, 504, 506, 294 of Indian Penal Code.

2. FIR is lodged by Farukhkha Samsherkha Pathan,

Bhagyawant Punde

alleging that on 11.08.2023 he along with his brother Ashraf, cousin Imran, Noman went to Noori Baba Urus. When they were returning to their house, that time, someone's foot fell on the leg of Imran. So, informant asked the said person to walk properly. Therefore, accused Riyaz, Furkhan, Bakhtiyar abused informant. People who were present on the spot resolved their quarrel. Accused Riyaz threatened him and went away. When they were near the arch to go home, there they saw Shaikh Altaf Shaikh Mubin, Riyazz Mastan Naik, Furkhan Khan Siddiqui, Taswwur Razvi alias Sonuy, Bakhtiyar Naik, Mushayad Naik, Faizan Naik, Juned Naik, Shahrukh Naik, Zeezhan Naik, Saber Naik, Ayaz Naik, Miraj Mastan Naik, Izhar Naik, Moiz Naik, Raja Shakir Naik and other 7 to 8 persons carrying iron katti, iron rod and sticks. All accused attacked informant. Bakhtiyar Naik assaulted by iron rod on his stomach, back, shoulders, left hand, neck and head. He suffered bleeding injury to his head. His brother Sohail Ali and one Osama Siddiqui were also assaulted by all accused persons.

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

4. Perusal of medical papers show that informant and

his brother Sohail Ali both have suffered contused lacerated wound on head, which are simple injuries. General and omnibus allegations are levelled against applicants that all accused persons have assaulted with sticks, fists and kick blows, however, these allegations are not supported by medical record. Taking into consideration the allegations made in the FIR and material collected during the investigation, *prima facie*, this appears a case of over implication of applicants. In that view of the matter, pre-trial custodial detention of applicants is not necessary, as nothing is to be recovered from them.

5. In the result, applications are allowed by confirming interim protection orders dated 17th October, 2023 and 15th December, 2023, respectively.

6. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigating officer and shall co-operated in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]