



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

ANTICIPATORY BAIL APPLICATION NO. 1816 OF 2024

1. Shaikh Ayub Shaikh Rauf
2. Shaikh Mehboob Shaikh Nisar

VERSUS

The State Of Maharashtra And Another

Mr. H. I. Pathan, Advocate for applicants
Mr. B. A. Shinde, APP for respondents/State

CORAM : R. M. JOSHI, J.

DATE : 27th January, 2025

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 0432 of 2024 registered with Aundha Nagnath Police Station, District, Hingoli for the offences punishable U/Sec. 118(2), 118(1), 189(2), 189(4), 191(1), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita.

2. First Information Report is lodged by Ganesh stating that on 05.09.2024 at about 2:00 PM when he along with his father, brother and mother while working on their plot, applicants and co-accused came there. There was dispute between them with regard to the alleged blocking of the road. It is alleged in the report that present applicants assaulted on the head of father of the informant with iron rod causing serious injury. Similarly, allegations are made on others causing assault

on informant and other persons.

3. Learned counsel for the applicants submits that there are two First Information Reports lodged in respect of the same incident. He also drew attention of the Court to the observations made by the Sessions Court to the effect that applicant No. 1 Shaikh Aayub Shaikh Rauf also sustained injury in the said incident and was admitted in Apeksha Hospital from 07.09.2024 to 12.09.2024. It is his submission that since no recovery of weapon is to be done from the applicants and as such, they are entitled for pre-arrest bail. He also makes statement that applicants have no criminal history.

4. Learned APP opposed application on the basis of offence committed under Section 109 being serious in nature. He also drew attention of the Court to the Injury Certificate of Suresh which indicates that grievous injury was caused to the head of this witness. According to him said injury is attributable to applicant No. 1

5. From two First Information Reports lodged in respect of the same incident by two sides on the face of it is clear that some incident definitely occurred at the spot. Each side is making allegations against other. There is observation made by the Sessions Court that applicant No. 1 also sustained head injury and was hospitalized for 5 days. This

indicates that this could be a clearcut case of free fight between two groups. Admittedly all weapons are already recorded.

6. In this backdrop, if nothing is to be recovered at the instance of the applicants, and since they have no criminal history behind them, the relief of pre-arrest bail cannot be denied. Liberty of the applicants were protected by order dated 23.10.2024 and that they are not likely to flee from justice. In the result, application allowed in terms of interim relief.

(R. M. JOSHI, J.)

bsj