

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3509 OF 2024

1. Haji Imam Shaikh
2. Ismail Imam Shaikh
3. Raja Husen Shaikh
4. Salim Husen Shaikh
5. Khaja Dadan Shaikh
6. Ajij Dadan Shaikh
7. Yunus Ramjan Shaikh

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. Ranjeet Pawar a/w Mr. Saurabh Desai and Mr. Ankit Upadhyay,
Advocate for the Applicants.

Mr. V. A. Kulkarni, A.P.P. for the Respondent – State.

Mr. Pradip Bhitade (API), Baramati City Police Station, Pune, present.

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CORAM : N. R. BORKAR, J.
DATE : 09th JANUARY, 2025.

P.C.:

1. This an application for Anticipatory Bail.
2. The learned counsel for the applicants on instructions
seeks leave to withdraw the application qua Applicant No.2 Ismail
Imam Shaikh and Applicant No.7 Yunus Ramjan Shaikh.
3. The Applicant Nos. 1 and 3 to 6 are apprehending their
arrest in Crime No.792 of 2024 registered with Baramati City Police

Station, Pune Rural for the offences punishable under Sections 109(1), 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023 (for short “BNS”) and Section 135 of the Maharashtra Police Act 1951.

4. According to the prosecution, on the date of incident which took place on 16.11.2024 at about 6:45 p.m. dispute arose between the Uncle of the complainant and co-accused Abbas Shaikh on account of playing certain sports on the playground in their locality. It is alleged that at about 8:00 p.m. applicants and other co-accused assaulted the complainant and other injured by Sickles, Sticks, Koyta, Iron rod and Sticks, when they came to the house of co-accused Abbas Shaikh to inquire about the earlier incident.

5. I have heard the learned counsel for the applicant Nos. 1 and 3 to 6 and learned A.P.P. for the Respondent-State.

6. I have perused the statement of the complainant and other witnesses. It appears that the Applicant Nos.1 and 3 to 6 were not armed with any weapon. The motive is not attributed to them. The only role attributed to them is that they assaulted the complainant and other injured by fist and kick blows. There are no other criminal antecedents against them. There appears to be no

need of custodial interrogation of Applicant Nos.1 and 3 to 6. In that view of the matter, I am inclined to release the Applicant Nos. 1 and 3 to 6 on anticipatory bail.

ORDER

- (i) Anticipatory Bail Application is partly allowed;
- (ii) The application qua Applicant No.2 - Ismail Imam Shaikh and Applicant No.7- Yunus Ramjan Shaikh is disposed of as withdrawn;
- (iii) In the event of arrest of the Applicant Nos. 1 and 3 to 6 in connection with Crime No.792 of 2024 registered with Baramati City Police Station, Pune Rural for the offences punishable under Sections 109(1), 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 351(3), 352 of the BNS and Section 135 of the Maharashtra Police Act 1951, they be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- (iv) The Applicant Nos.1 and 3 to 6 shall attend the concerned Police Station from 21st January 2025 to 24th January 2025 between 11:00 a.m. to 2:00 p.m. and thereafter as and when called by the Investigating Officer and shall co-operate with the Investigation;
- (v) Anticipatory Bail Application is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)