HIGH COURT OF JUDICATURE AT BOMBAY

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 ANTICIPATORY BAIL APPLICATION NO. 1134 OF 2018

1. SHAIKH SALAR S/O. SHAIKH AHMED
2. SHAIKH SAMAD S/O. SHAIKH SALAR
3. SHAIKH FEROZ S/O SHAIKH SALAR
4. SHAIKH RAUF S/O SHAIKH SALAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Nagargoje Ankush N.
APP for Respondents/State: Mr. V.M. Kagne

...

CORAM : V. K. JADHAV, J.
DATED : 29th October, 2018

PER COURT:-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant no.2 i.e. SHAIKH SAMAD S/O. SHAIKH SALAR. Leave granted. The application of applicant no.2 - SHAIKH SAMAD S/O. SHAIKH SALAR is disposed of as withdrawn.

2. The applicant nos. 1, 3 and 4 are seeking anticipatory bail in connection with crime no.170 of 2018 registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections 452, 504, 506, 323 and 324 r/w 34 of IPC. Their applications with similar prayer bearing Bail Application No.50 of 2018 came to be rejected by the Additional Sessions Judge, Ahmedpur vide order dated

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12.09.2018.

3. Learned counsel for the applicants submits that though the names of the present applicants are mentioned in the FIR, the allegations about the injury caused to the informant with the help of sticks have been made mainly against applicant no.2, whose application has been withdrawn. Learned counsel submits that the sister of informant was given in marriage to applicant no.2 i.e. Shaikh Samad Shaikh Salar and she died in the matrimonial home by jumping in the well. On the basis of the complaint lodged by the informant i.e. Shaikh Gaus Makdum Shaikh, the crime no.89 of 2018 came to be registered in Kinwat Police Station on 04.05.2018. Learned counsel submits that the relations between both the families are strained on account of the same and this complaint is nothing but outcome of the said strained relations. Learned counsel submits that the applicants are resident of village Gokunda, Taluka Kinwat, District Nanded and it has been alleged in the complaint that all the while, they travelled to Ahmedpur and assaulted the informant and his family members by forcibly entering into the house. Learned counsel submits that the antecedents of the applicants are clear. Applicant no.1 is a aged person,

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applicant no.3 is a businessmen and applicant no.4 is serving as a Driver. They may be released on anticipatory bail.

4. Learned APP has strongly resisted the application on the ground that the allegations have been made against each of the applicants with specific role ascribed to them. The applicants have entered into the residential house of the informant and beaten the informant and his father with the help weapons like stick. The applicants are not entitled for anticipatory bail.

5. On careful perusal of the investigation papers and on going through the allegations made in the complaint, it appears that the informant has sustained the injuries on the parital region of his head. It has been revealed during the course of the investigation that applicant no.2 has caused the said injury to the informant. The application of applicant no.2 is already withdrawn. So far as the other applicants are concerned, due to the earlier registration of crime on account of an unfortunate death of the sister of the informant, the relations between two families have been strained. It has been alleged in the complaint that the applicants travelled from Nanded District to Ahmedpur in

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Latur District and entered into the house of the informant and assaulted the informant and his family members. Applicant no.1 is a pensioner above the age of 60 years, applicant no.3 is a businessman and applicant no.4 is the Driver. Their antecedents are clear. Thus, considering the nature of the allegations and the strained relations between two families, I am inclined to grant anticipatory bail to three applicants i.e. applicant nos. 1, 3 and 4 with certain conditions. Hence, the following order:

ORDER

I. The application is hereby allowed.

II. In the event of arrest of applicant nos. 1, 3 and 4 i.e. SHAIKH SALAR S/O. SHAIKH AHMED, SHAIKH FEROZ S/O SHAIKH SALAR and SHAIKH RAUF S/O SHAIKH SALAR, respectively, in connection with crime no.170 of 2018 registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections452, 504, 506, 323 and 324 r/w 34 of IPC, they be released on their furnishing P.B. of Rs.15,000/- (Rupees Fifteen Thousand) each, with one surety each of the like amount, on the following conditions;

a. The applicants shall not tamper with the prosecution evidence in any manner.

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b. Applicant nos. 3 and 4 shall attend the concerned police station once in a week on every Sunday between 8.00 am to 11.00 am, till filing of charge sheet.

III. The application is disposed of accordingly.

(V. K. JADHAV, J.)

Sameer//

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