



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.722 OF 2024

Shaikh Sharique Shaikh Rashid and others
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Nandgaon Peth, District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Counsel for the applicants.
Ms. Shamshi Haider, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.180/2024 registered with Police Station, Nandgaon Peth, District Amravati for the offences punishable under Sections 143, 144, 147, 148, 307 read with Section 149 of the Indian Penal Code and under Section 4/25 of Arms Act and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged by the informant Abdul Sajid Abdul Jalil on an allegation that on 16.05.2024 at about 7.00 p.m., due to the previous dispute, they were attacked by 8 to 9 persons including the present applicants were assaulted. Due to the said assault, the injured Mohd. Iqubal has sustained the grievous injuries. On

the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel Mr. P. R. Agrawal for the applicants submitted that there was a previous dispute and out of that dispute, the alleged occurrence has taken place and the injured has sustained the injury in a free fight. He submitted that as far as the custodial interrogation is concerned, entire investigation is already completed, and the weapons are already seized. As far as the allegation against present applicants is concerned, general allegations are made. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common object injured and the informant were attacked by the present applicants and injured has sustained a grievous injury like fracture injury. In view of that, the application for grant of anticipatory bail deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR as well as the investigation papers, there is no dispute as to the fact that the entire investigation is already completed, charge-sheet is already filed, the weapons which are used in the commission of the crime are already seized on the

basis of the statement of the co-accused. Thus, considering the fact that in a free fight, the injured has sustained the injuries as well as other prosecution witnesses has also sustained injuries. Considering the custodial interrogation is concerned, which is not required for further investigation, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of their arrest, in connection with Crime No.180/2024 registered with Police Station Nandgaon Peth, District Amravati for the offences punishable under Sections 143, 144, 147, 148, 307 read with Section 149 of the Indian Penal Code and under Section 4/25 of Arms Act and Section 135 of the Maharashtra Police Act, the applicant **Nos.(1) Shaikh Sharique Shaikh Rashid, No.(2) Shaikh Hakim Shaikh Bismilla, No.(3) Shahrukh Khan Bashir Khan, No.(4) Tausif Khan Niyamat Khan and No.(5) Shaikh Karim Shaikh Bismilla** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m., till culmination of the trial.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicants shall not indulge themselves in a similar type of the activities.

(vi) The contravention of any of the conditions imposed would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)