

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1724 OF 2022

SHOAEB AYYAJ SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Shiraj R. Wakale, Advocate for Applicants
Mrs. R. P. Gour, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 06th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.574/2022, registered with Ahmednagar Camp Police Station, District Ahmednagar, for offences punishable under Sections 353, 323, 143, 504, 506 read with 34 of the Indian Penal Code.
2. FIR is lodged by Rajesh Tavare, Sanitary Inspector, Ahmednagar Municipal Corporation, alleging that when he was on duty at Kothala Bus Stand, one Piaggio Auto came there which was containing 12 to 13 bags of animal waste. Two persons in the said auto tried to dump the bags of animal waste by the side of highway near electricity DP. When informant along with his colleagues tried to prevent them from doing so, the auto driver called accused No.2 Corporator. He came there along with three unknown persons and manhandled informant and his colleagues by dumping the animal

waste bags there. They left the place by refusing to pay the fine.

3. Heard learned advocate for applicants and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. Applicants claim that on 26/11/2022, applicant No.1 complained to Superintendent of Police, Ahmednagar, that when he was proceeding towards mutton shop, informant and other three persons intimidated him and asked to take down bags containing animal waste. Bags containing animal waste were forcibly taken down and they obtained his photographs and took away Rs.2,000/- from his pocket. As per allegations in the FIR, the incident has taken place on 25/11/2022 at 21:00 Hours. FIR is lodged on 26/11/2022 at 02:47 Hours. Nothing is to be recovered from applicants. In the medical examination of informant and others no visible injuries are noticed.

5. Learned Additional Public Prosecutor submits that applicants' custody is required for verifying names of three unknown persons who were accompanying applicants at the time of incident. This can be done by imposing suitable condition on the applicants. Pre-trial custodial detention of applicants is, therefore, not necessary in the facts of the present case.

6. Application is allowed. In the event of arrest of applicants in connection with Crime No.574/2022, registered with Ahmednagar Camp Police Station, District Ahmednagar, for offences punishable under Sections 353, 323, 143, 504, 506 read with 34 of the Indian Penal Code, applicants be released on executing Personal Bond of Rs.15,000/- each, with one surety in the like amount. Applicants shall attend concerned police station everyday from 09th to 13th of January, 2023, between 10:00 a.m. to 01:00 p.m. and shall cooperate in the investigation. Applicants shall not indulge in similar criminal offences and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)