

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

913 ANTICIPATORY BAIL APPLICATION NO.341 OF 2021

1) IMTIYAZODDIN s/o. KHAYIMODDIN SHAIKH
2) SYED IMRAN S/O SYED PASHA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Syed G.R.
APP for Respondents/State : Mr. S.P. Sonpawale
...

CORAM : M.G. SEWLIKAR, J.
DATE : 23.04.2021

PC.:-

This application is filed for anticipatory bail in connection with Crime No.125/2019 for the offence punishable under Section 353, 332, 504, 506 read with Section 34 of the I.P.C. registered with Shirur-Anantpal Police Station, District Latur.

2. Facts leading to this application are that the informant was driving ST bus no.MH-20-BL-0573 from Latur. On the road from Digol to Yerol one Innova Car No.MH-26-L-2385 was proceeding ahead of the bus. The applicants did not give side to the bus. The bus driver somehow managed to overtake the Innova car of the applicants. This annoyed the applicants so much that they along with two arrested accused got down from the Innova car

and assaulted the informant by means of kicks and fist blows on the ground of failure to give side. Accordingly, FIR came to be lodged on 07.03.2021 on the basis of which offences as aforesaid come to be registered.

3. Heard Shri Syed learned counsel for the applicants and Shri Sonpawale learned APP for the State.

4. Shri Syed submitted that both the applicants have no criminal background. He submitted that names of applicants are not mentioned in the FIR. There is no evidence to connect the applicants with the alleged offence. He submitted that on perusal of the entire FIR and other papers produced by the learned APP it is clear that no offence is made out against any of the applicants. Shri Syed further submitted that applicant no.1 has no concern with the offence. He submitted that applicant no.1 is the Principal of a disabled school. He has no criminal antecedents. There is no whisper in the FIR against the applicant no.1 and he may be released on anticipatory bail. Shri Sonpawale submitted that offence is serious in nature. For no apparent reason the informant was assaulted. He, therefore, prayed for allowing the application.

5. Shri Sonpawale learned APP for the State submitted that two accused have been arrested and they have been identified by the witnesses.

He submitted that custodial interrogation of the applicants is necessary for holding of identification parade. Therefore the application deserves to be rejected.

6. So far as applicant no.2 is concerned when this Court expressed that no relief can be granted to applicant no.2, Shri Syed sought permission to withdraw the application to the extent of applicant no.2.

7. It appears that vague allegation is made against all the applicants. For holding of identification parade, custody of the applicant is not necessary. On the basis of contents of the FIR against applicant no.1 it appears that *prima facie* custodial interrogation of applicant no.1 is not necessary. He being the Principal of a disabled school and as his roots are there in this region, there is no likelihood of applicant no.1 fleeing from justice. In view of above, I am inclined to release applicant no.1 on anticipatory bail. Hence the following order is passed:

ORDER

- I) Application is allowed to the extent of applicant no.1.
- II) Applicant no.1 be released on PR bond of Rs.50,000/- with one solvent surety in the like amount in the event of his arrest in connection with Crime No.125/2019 registered with Shirur-Anantpal Police Station, District Latur under Section 353, 332,

504, 506 read with Section 34 of the I.P.C. on conditions that he shall not interfere in the investigation and shall not pressurise the witnesses and shall attend the concerned police station as and when required by the Investigating Officer.

III) Application of applicant no.2 is allowed to be withdrawn.

[M.G. SEWLIKAR, J.]