

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

ANTICIPATORY BAIL APPLICATION NO. 869 OF 2021

1. Mohammad Farhan s/o Mohammad Wajid,
Age : 21 years, Occu. Student
2. Mohammad Wahid s/o Mohammad Arif,
Age : 41 years, Occu. Service,

Both R/o. C/o. Haroon Mukati, Baijipura,
Aurangabad.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Mr. Abhaysinh K. Bhosle, Advocate for the applicants
Mr. S. B. Narwade, APP for respondent / State
.....

CORAM : V. G. BISHT, J.
DATED : 08th September, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0329 of 2021, registered with Jinsi Police Station, District Aurangabad, for the offences punishable under Sections 353, 332, 143, 323, 504 of the Indian Penal Code.

2. It is the case of prosecution that on 12.07.2021 at about 08:45 pm, the informant along with his staff member was on patrolling duty in a Police Jeep bearing registration No. MH-20/AS-8686. When they reached at VIP function hall, Madni Chowk at Aurangabad, one car bearing No. MH-20/BY-1008 was parked in the middle of the road and thus was creating obstruction in the flow of traffic. The informant blew horn as well as siren. It is alleged that the applicant no. 1 abused the informant in filthy language and also assaulted with kick and fist blows. Accordingly, the FIR came to be lodged.

3. Mr. Abhaysinh K. Bhosle, learned Counsel for the applicants, submits that the applicants have been falsely implicated and even a complaint (Exh. 'B') to that effect was made by applicant no. 1 to Police Commissioner, Aurangabad on 15.07.2021, in respect of their false implication by the informant. The learned Counsel then submits that even otherwise there is nothing to be recovered from the applicants and in such circumstances, the present application deserves consideration.

4. Mr. S. B. Narwade, learned APP, on the other hand, opposed the submissions by contending that the applicants not only

used criminal force against the informant and another Police official but also caused injuries. Investigation is in progress and, therefore, the present application does not merit consideration.

5. I have carefully gone through the FIR and the investigation papers and as also the statement of prosecution witnesses. *Prima facie* the involvement of the present applicants is seen. There are medical certificates also showing the simple injuries sustained by the police officials.

6. Despite above facts, in my considered opinion, the fact remains that there is nothing to be recovered at the instance of the applicants. The case of the prosecution is not of that kind where the custodial interrogation of the applicants is imperative. In my considered opinion, the case not being of custodial interrogation, the present application deserves consideration.

7. In view of above, I am inclined to extend the benefit of pre-arrest bail with conditions. Hence, I pass following order.

ORDER

- i] In the event of arrest of applicants herein, namely, Mohammad Farhan s/o Mohammad Wajid and

Mohammad Wahid s/o Mohammad Arif in connection with Crime No. 0329 of 2021, registered with Jinsi Police Station, District Aurangabad, for the offences punishable under Sections 353, 332, 143, 323, 504 of the Indian Penal Code, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs.Twenty Thousand only] each, with one or two solvent sureties in the like amount.

- ii] The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

8. The Anticipatory Bail Application stands disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE