

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 766 OF 2021

IBRAHIM S/O. ISMAIL BAGWAN
AND
NADIM S/O. AYUB INAMDAR
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. D.R. Jethliya, Advocate for the applicant,
Mr. N.T. Bhagat, APP for the respondent.

With

ANTICIPATORY BAIL APPLICATION NO. 905 OF 2021

ZAKIR HUSEN AYUB BAGWAN
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. D.R. Jethliya, Advocate for the applicant,
Mr. N.T. Bhagat, APP for the respondent.

CORAM : V.G. BISHT, J.

DATE : 13th August.2021.

PER COURT:

1] These are applications under Section 438 of Cr.P.C. preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.0151 of 2021, registered with Police Station, Murum, Dist. Osmanabad for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC.

2] On 26.6.2021 at about 7.00 a.m., the present applicants, alongwith Jakir Mehboob Attar, Jafar Mehboob Attar, Ismail Mehboob Attar, Nagesh Mandle, Avinash Mandle, Tirandas Mandle, Abhishek Mandle and Kabirdas Mandle, obstructed the informant and assaulted him by means of sword and iron rod on his head, thighs and also beat him by fist and kick blows.

3] Mr. Jethliya, learned counsel for the applicants, submitted that all the other accused have already been released and the iron rod allegedly used in the incident has also been seized. Moreover, there is a delay in lodging the FIR and there being no criminal antecedents, the application deserves to be allowed, argued the learned counsel.

4] Mr. Bhagat, learned APP, on the other hand vehemently opposed the application by contending that specific allegations are levelled against the applicants. The learned counsel invited my attention to the Injury Certificate and then contended that since the investigation is in progress, it would not be proper to give the relief of anticipatory bail to the present applicants.

5] As far as the aspect of delay is concerned, it appears that the incident allegedly took place at about 7.00 PM. on 26.6.2021, whereas, the FIR came to be lodged at about 01.44 hours on 27.6.2021. Apparently, there is a delay which is not explained.

6] I have carefully gone through the Medical Certificates issued by the Rural Hospital, Murum, Taluka Omerga, Dist. Osmanabad. Except incised wound over thighs of the informant, rest of the injuries are simple in nature. There is no dispute to the submission of the learned counsel

for the applicants that the iron rod used in the incident has already been seized during the course of investigation. The criminal antecedents are also not brought on record. The fact remains that the applicants are permanent resident of the village, having immovable property and thus, there is no possibility of their fleeing from the justice.

7] For all the aforesaid reasons, in my considered opinion, the applications need to be allowed with certain conditions. Hence, I pass the following order.

: O R D E R :

[I] The applications are allowed.

[II] In the event of arrest of the applicants in connection with Crime No. 0151 of 2021, registered with Police Station, Murum, Dist. Osmanabad for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC., the applicants be enlarged on bail on his furnishing PR Bond in the sum of Rs. 25,000/- each, with one or two sureties in the like amount.

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

[Iv] They shall not tamper with the evidence.

[V] The applications stand disposed of accordingly.

[V.G. BISHT]
JUDGE.

grt/-