

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

924 ANTICIPATORY BAIL APPLICATION NO.1115 OF 2021

Siddi Yasdhani s/o Siddi Sarpraj
(Yajdani Desai – Name mentioned in the FIR) **...Applicant.**

VERSUS

The State of Maharashtra **...Respondent.**

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Mr. Gajanan S.Shembole, Counsel for the applicant
Mr. V.S.Badakh, APP for the respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd OCTOBER, 2021

PER COURT:

1] This is an application for pre-arrest bail in connection with FIR No.134 of 2021 registered with Deglur Police Station, Dist. Nanded for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149 of Indian Penal Code (for short, 'IPC') and under Section 135 of the Maharashtra Police Act (for short, 'B.PAct'). The First Information Report (for short, 'FIR') was registered on 16th March, 2021.

2] The case of the prosecution is that on 15.03.2021, the accused had assaulted the complainant and others by weapons. As far as the applicant is concerned, it is alleged that he along with the accused Jishal Desai, Tohid Desai, Taufik Desai and Yajdhani Desai had assaulted the brother of the complainant Ajgar Hussain with stick. It is also alleged that Jishan Desai had assaulted Ajgar Hussain by giving

blow of axe on his head. The statement of Ajgar Hussain was recorded on 17th March, 2021. He stated that Siddi Yasdhani Desai (applicant) and others had jointly assaulted him with stick and *katti*. It is pertinent to note that in the FIR the complainant had not referred to use *Katti* by the accused in assaulting Ajgar Hussain.

3] Learned counsel for the applicant submitted that all the other accused allegedly armed with weapons were granted regular bail. There are no criminal antecedents against the applicant. He is the resident of Telangana. He has been falsely implicated in this case. He was not present at the scene of offence.

4] Learned APP submitted that the statement of the complainant and injured Ajgar Hussain to whom the accused-applicant and others had assaulted had shown involvement of the applicant in the assault. The injury certificate of Ajgar Hussain refers to injury, viz. CLW on the occipital region. The certificate also indicates that the nature of injury is most probably simple. It is pertinent to note that according to the injured witness Ajgar Hussain, several persons have assaulted him with stick, *katti* and axe. The FIR indicates that the applicant has allegedly assaulted with stick. It appears that the injury certificate runs counter

to the allegations in the FIR and the statement of the injured witness Mohammad Ajgar Hussain.

5] Considering the factual aspects, the case for grant of anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail Application No.1115 of 2021 is allowed.
- (ii) In the event of arrest of applicant in connection with FIR No.0134 of 2021 registered with Deglur Police Station, Dist. Latur, the applicant be released on bail on his executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer on 27, 28 and 29th October, 2021 between 11.00 am to 01.00 pm. and thereafter as and when called for, till filing charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)