

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

909 ANTICIPATORY BAIL APPLICATION NO.1172 OF 2021

Sikandar Ayublala Khan

...Applicant

VERSUS

The State of Maharashtra & Another

...Respondents

...

Ms. Asha N.Gore and Mr. Vinod Prakash Patil, Counsel for the applicant

Mr. A.S.Shinde, APP for the respondent-State

...

CORAM : PRAKASH D. NAIK, J.

DATE : 28th OCTOBER, 2021

PER COURT:

1] This is an application for anticipatory bail in Crime No.0469 of 2021 registered with Kranti Chowk Police Station, Aurangabad City for the offences punishable under Sections 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code (for short, 'IPC').

2] The case of the prosecution is that on 2nd June, 2021, the applicant and others had assaulted the informant, his brother and friend, who were accompanying him. The accused abused informant and assaulted him by iron rod, sticks and hockey sticks.

3] The submissions of learned Counsel for the applicant is that the allegations are vague. There is nothing to be recovered. Recovery has been effected by the Investigating Officer during investigation.

4] Learned APP submitted that all the accused had assaulted the injured with weapons. Role has been attributed to the applicant. He has been named in the FIR.

5] Co-accused Sarfaraj Khan had preferred ABA No.914 of 2021 before this Court, which has been allowed by order dated 22nd September, 2021. The role ascribed to the said accused and the accused is similar. While allowing the said application, it was observed that iron rod and wooden log were recovered during the investigation at the instance of accused Javed Khan Ayub Khan.

6] On perusal of the FIR, indeed it appears that it is vaguely stated that all the accused had assaulted the complainant. The accused who were attributed similar role are granted relief by this Court. Considering this aspect, case for allowing this application is made out and the interim protection granted by this Court can be confirmed.

ORDER

- (i) Anticipatory Bail Application No.1172 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in connection with Crime No.0469 of 2021 registered with Kranti Chowk Police Station, Aurangabad City, the applicant be released on bail on his executing P.R.Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) The applicant shall report Investigating Officer on 9th, 10th and 11th November, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)

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