

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

31 ANTICIPATORY BAIL APPLICATION NO.993 OF 2022

1. Raju Ali Akthar Ali Saiyyad,
2. Nawaz Ali Akthar Ali Saiyyad,
3. Aslam Ali Akhatar Ali Saiyyad
4. Mohmmad Ali Akthar Ali Saiyyad,
5. Zuber Mohmmad Khatik

VERSUS

The State of Maharashtra

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Advocate for Applicants : Mr. Wagh Mukulanand R.

APP for Respondent-State : Mr. K. S. Patil.

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CORAM : S. G. MEHARE, J.

DATE : 10.08.2022

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.

2. Both the parties have lodged report against each other about the alleged incident happened on 02.06.2022. The allegations against each other are similar. Both of them are alleging that they have snatched the 10 gram golden chain.

3. Learned counsel for the applicants would submit that the incident happened on 02.06.2022 at 10.00 p.m. near Talav Galli, Parola. The present complainant assaulted applicant No.2

Nawaz Ali. He was immediately sent to the hospital for treatment. He has sustained some injuries. However, his report was registered on 17.06.2022. To counter the report lodged by applicant No.1, a false report has been lodged about the incident of the same date after 20 days. He has also argued that the complainant has changed the spot of incident . The false allegations of snatching chain have been made against applicant No.2. Nothing is to be recovered from the applicants. The applicants have been unnecessarily involved in the false crime. Therefore, anticipatory bail may be granted to them.

4. Learned APP has submitted that the serious allegations of snatching golden chain have been levelled against applicant No.2. Therefore, for recovery of golden chain, the custodial interrogation is essential.

5. In both the FIR, the date of incident is same. However, the timings and the spot of the incidents have been shown different. The present FIR is delayed by 20 days. Immediately after the incident, applicant No.2 Nawaz, who was injured in the assault allegedly made upon him by the first informant went to the hospital and taken the treatment there. The common allegation of snatching golden chain of equal weight

have been levelled against each other. The inordinate delay is not satisfactorily explained. No doubt, it may be explained in due course. *Prima facie*, it appears that a similar allegations have been levelled against each other. At this juncture, delay in lodging the report is a strong circumstance in favour of the applicants. Except against applicant Nawaz, there are no serious allegations against other applicants. Taking the facts into consideration, this Court is of the view that no purpose would be served. if the applicants are allowed to face the police custody. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, applicant No.1. Raju Ali Akthar Ali Saiyyad, 2. Nawaz Ali Akthar Ali Saiyyad, 3. Aslam Ali Akhatar Ali Saiyyad, 4. Mohmmad Ali Akthar Ali Saiyyad and 5. Zuber Mohmmad Khatik, be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each, in Crime No.214 of 2022, registered with Police Station Parola, District Jalgaon, for the offences punishable under

Sections 327, 452, 341, 143, 147, 149, 323, 504, 506 of the IPC, on the condition that they shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.)

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vmk/-