

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 ANTICIPATORY BAIL APPLICATION NO. 1206 OF 2022

ELLIAS AFZAL PATEL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

.....

Advocate for Applicants : Mr. Abhaysinh K. Bhosale
APP for Respondent-State : Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.
DATED : 19 SEPTEMBER 2022

PER COURT :-

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

2. The role attributed to the present applicants has been discussed in the order dated 12.09.2022. Learned APP has averred on the same line that the applicants caught hold the injured. However, he opposed the application contending that the applicants have facilitated the assailant to cause serious injury to the injured. Therefore, they are equally liable. Learned APP, however, has no material to point out that custodial interrogation

of the applicants would serve the purpose. Considering the role attributed to the applicants and the absence of material showing necessary for custodial interrogation, the application deserves to be allowed. Hence, the following order:

ORDER

- I. The application is allowed.
- II. The interim protection granted to the applicants by order dated 12.09.2022 is confirmed on the same terms and conditions with an additional condition that the applicants shall not tamper the witnesses.

[S. G. MEHARE, J.]