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

ANTICIPATORY BAIL APPLICATION NO.1296 OF 2022

**ALI ABDUL RAHEMAN CHOUS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Ghode Madhav C
APP for Respondents : Ms. V.S. Choudhari
...

CORAM : S.G. MEHARE, J.

DATED : 03rd OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has a case that on the day of the incident, the applicant was assaulted. He was admitted to the Government Hospital at Aurangabad. The MLC was reported to the police on the very same day by the Casualty Medical Officer, Government Medical College and Hospital, Aurangabad. However, the police never came to the Government Hospital, Aurangabad to record his statement. The applicant was seriously injured in the assault by the present complainant. The applicant is still under treatment. He has to use Catheter. When the applicant was hospitalized, the police took the search of his house and seized the knife allegedly used by him. False allegations have been levelled against the applicant that he used the

knife to cause the injury. He never used the knife. There are cross complaints against each other. Nothing is to be recovered from the applicant. Since the weapons were recovered, this Court was pleased to grant regular bail to the other co-accused. The applicant being under treatment and did not assault anybody; hence, may be released on anticipatory bail.

3. Unfortunately, the police did not supplied complete information to the learned APP about the incident and admission of this applicant to the Government Hospital and receiving the MLC report. Therefore, she is unable to make statement about the injury sustained to the applicant. However, it is not disputed by her that the injured have suffered a simple injury and the knife allegedly used in the crime has already been seized. She has opposed the application on the ground that the offence is serious. The applicant was most aggressive.

4. Perused the papers. It is not in dispute that there are cross reports against each other and the persons from both sides were injured. Learned counsel for the applicant has made a responsible statement that after receiving the MLC sent by the Government Hospital about assaulting the applicant, the police did not record his statement in the hospital till the report was lodged against the opposite group. It is not in dispute that the knife allegedly used in the crime has been seized. The injury suffered by the injured were

simple. The prosecution has also no case that any time the applicant obstructed the investigation or tamper with the prosecution witnesses. In view of the facts of the case, if anticipatory bail is granted to the applicant, it will not make any difference for the prosecution. Hence, the following order :

ORDER

(A) Application is allowed.

(B) In the event of arrest, the applicant, Ali Abdul Raheman Chous, be released on anticipatory bail, on executing P.B. and S.B. of Rs.20,000/- (Twenty Thousand) with one solvent surety in the like amount in Crime No.218 of 2 022 registered with Tembhurni Police Station, District Jalna for the offence punishable under Sections 307, 452, 509, 324, 323, 504, r/w 34 of the Indian Penal Code, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)