

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

ANTICIPATORY BAIL APPLICATION NO.1328 OF 2022

Sayyed Shahanawaz @ Rahnū
S/o Sayyad Hassan

... Applicant

Versus

The State of Maharashtra

... Respondent

...
Mr. G. R. Syed h/f Mr. P. B. Pawar, Advocate for the Applicant
Mr. S. P. Sonpawale, APP for the Respondent/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th October, 2022

PER COURT :-

1. The applicant is apprehending arrest in connection with Crime No.422/2022, registered with Dhule City Police Station, Dhule, for offences punishable under Sections 394, 397, 326, 504 and 506 r/w Section 34 of the Indian Penal Code.
2. Heard the learned Advocate for the applicant and learned Assistant Public Prosecutor for the respondent-State. Perused the investigation papers.
3. FIR in question was lodged by the informant on 22/07/2022. After one month, supplementary statement of the informant was

recorded on 21/08/2022, wherein, he has implicated the present applicant alleging that, applicant and other accused Fardin Firoz Khan (named in the FIR) caught hold of his hands and assaulted him on both the legs below knee. He has further stated that, accused Irfan Pathan (named in the FIR) did not assault to him.

4. Injury certificate of the informant shows that, he has suffered fracture on his tibia, but the said injury can be attributed to the other person, namely, Javed (named in the FIR). Prima facie, improved version of the informant in the supplementary statement does not inspire confidence. It appears that, afterthought, the applicant is implicated in the offence. The application therefore deserves to be allowed. Hence, the following order;

ORDER

(I) Application is allowed.

(II) Interim protection granted in favour of the applicant by order dated 03-10-2022 is confirmed with further conditions that, till filing of charge-sheet, the applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

[NITIN B. SURYAWANSHI, J.]