

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1378 OF 2022

Imran S/o Akbar Pathan	 Applicant
Versus	
The State of Maharashtra and another	 Respondents

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Mr. Abhaysinh K. Bhosle, Advocate for the Applicant
Ms. P.V. Diggikar, APP for Respondents – State
Mr. A.s. Shejwal, Advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0125 of 2022 registered with Harsul Police Station, Aurangabad for the offence punishable under sections 307, 143, 147, 148, 149, 504, 506 read with 34 of the Indian Penal Code.

2. Heard the learned advocate for the applicant and the learned Additional Public Prosecutor for the respondent – State. Perused the investigation papers.

3. The Learned advocate for the applicant submits that the applicant is falsely implicated in the present crime, he is not the resident of the place of incident. He further submits that similarly situated accused in the present crime is granted protection by this Court. He submits that the applicant has co-operated in the investigation, therefore, the interim protection may be confirmed.

4. Learned Additional Public Prosecutor and the learned advocate for the informant vehemently opposed the application contending that there is specific role attributed to the applicant in the present crime. The applicant has criminal antecedents. Crime No. 320 of 2021 is registered against the applicant with Satara Police Station, for the offence punishable under section 307, 323, 503, 504 read with 34 of the Indian Penal code. While applicant was on bail in this crime, the present offence is committed.

5. The learned advocate for the applicant submits that Crime No. 320 of 2021 is lodged by uncle of the applicant as there is some property dispute going on between the applicant and his uncle. The present crime is registered at the instance of cousin father-in-law as there is dispute between father-in-

law of the applicant and his brother. The applicant's name is falsely implicated, though he was not present on the spot.

6. Taking into consideration the FIR and the investigation papers, particularly considering role attributed to the applicant, *prima facie*, possibility of false implication cannot be ruled out at this stage. Similarly situated co-accused is granted protection by this Court. Therefore, on the ground of parity, the applicant deserves protection.

7. The applicant has attended the police station and has co-operated in the investigation. Custodial detention and / or interrogation of the applicant is therefore not warranted in the facts of the present case.

8. The application is, therefore, allowed by confirming the interim order.

9. Till filing of charge-sheet, applicant shall attend the concerned police station on every Sunday between 10.00 a.m. to 12.00 noon. The applicant shall not tamper with the prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P. Rane