

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3001 OF 2022

Shaikh Zaheer Shaikh Haroon ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Mahendra N. Sandhyanshiv, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent – State.

Mr. A. M. Dhakne PSI, Killa Police Station Malegaon, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st OCTOBER, 2022

PER COURT:

1. The applicant is apprehending arrest in connection with C.R. No. I-289 of 2021 registered with Killa Police Station, Malegaon, Dist. Nashik for offences punishable under Section 307 read with 34 of the Indian Penal Code.

2. The FIR was registered on 20.06.2021 wherein the complainant has alleged that the applicant and other accused were armed with weapon. The applicant had allegedly assaulted him with knife. However, his supplementary statement was recorded on 15.07.2021 and he has changed his version stating that the applicant did

not participate in the crime. His statement under Section 164 of Cr.P.C. was recorded which is in consonance with the supplementary statement.

3. Learned APP submitted that the Sessions Court has rejected the application for anticipatory bail considering the conduct of the applicant as well as complainant. Charge-sheet is filed against the co-accused. Although, the application for anticipatory bail preferred by applicant was rejected one year ago, the applicant has preferred this application belatedly. He was not available for investigation. Attempt was made to trace him but he was not found. However, learned advocate for the applicant submitted that there were no attempt to arrest him. He was available at his residence.

4. Be that as it may, the complainant has changed his version in supplementary statement and statement recorded under Section 161 of Cr.P.C. but also under Section 164 of Cr.P.C. The complainant exonerated the applicant as participant in the crime. In these circumstances there is no point in subjecting the applicant to custodial interrogation.

ORDER

- (i) Criminal Anticipatory Bail Application No.3001 of 2022 is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R. No. I-289 of 2021 registered with Killa Police Station, Malegaon, Dist. Nashik, the applicant be released on bail in on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer on 2nd, 3rd and 4th November, 2022 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
- (iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)