

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3377 OF 2022

Ejaz Baig Aziz Baig Applicant.
Versus
The State of Maharashtra Respondent.

....
Mr. Aniket Nikam i/b. Amit Jeham, Advocate for the Applicant.
Mr. V.B.Konde-Deshmukh, APP for the State.

....
CORAM : R. N. Laddha, J.

DATE : 13th December 2022

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P.C.:

By this application, the Applicant is seeking anticipatory bail in connection with C.R.No. 159/2022 registered with Azad Nagar Police Station, Nashik against the Applicant for the offences punishable under Sections 353, 504, 506 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State.

3. The allegations in the FIR are that on 23rd November 2022, at about 12.30 a.m., the Complainant, alongwith other police staff, went to Aman Chowk and found that one hotel was open, so he

directed them to close it. After that, the accused came there and started shouting and asking them not to close the hotel. When the police asked them not to obstruct them from discharging their duty, the accused rushed on the person of the complainant and assaulted the Complainant. Learned Counsel for the Applicant submits that Applicant was not involved in the alleged offence. He was not captured in the CCTV Camera. Allegations made in the FIR, even if taken at their face value accepted entirely, do not prima-facie constitute any offence. He submitted that Section 41-A of the Cr.P.C. notice was not issued to the Applicant. According to him the same is mandatory.

4. Mr. Konde Deshmukh, learned Additional Public Prosecutor, on instructions from the investigating officer fairly submitted that this Court may issue appropriate directions to the applicant to co-operate with the investigation.

5. Considering the nature of the accusations made and the undertaking given on behalf of the Applicant to co-operate with the investigation, his custodial interrogation is not necessary.

6. In view of the above, this application is allowed in the following terms:

- (i) The Anticipatory Bail Application No.3377/2022 is allowed.
- (ii) In the event of arrest of the applicant in connection with C.R. No.159/2022 registered with Azad Nagar Police Station, Nashik, the Applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall attend the concerned Police Station on every Thursday between 10.00 a.m. to 1.00 p.m. and thereafter as and when called for.
- (iv) Application stands disposed of accordingly.

7. All the parties to act on an authenticated copy of this Order.

(R. N. LADDHA, J.)

L.S.Panjwani, P.S.