

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.57 OF 2023

Barkat Sattar Shah

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Ms. Shaikh Afreen R, Advocate for applicant.

Mrs. R.P. Gour, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 150/2022, registered with G.R.P., Police Station, Chalisgaon, Jalgaon, for offences punishable under sections 394, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Amin Chand Shah against four accused persons. The applicant is named as accused No. 1. It is alleged in the FIR that on 21.09.2022 at about 5.45 pm., the applicant was traveling in Sevagram Express in Coach No. 5/1 for hawking. At that time, when train reached Chalisgaon station, applicant Allarakha-accused No. 2 and Ganpat- Accused

No. 3 entered the train and after the train left Chalisgaon station, applicant asked informant, as to how many times he should be told not to come in that train. Applicant caught informant's collar and accused Allarakha assaulted him with figther on forehead and nose. Ganpat thereafter caught him and applicant gave him slaps and fist blows on chest and stomach. Accused- Allarakha took out Rs. 4050/- from his shirt pocket. In the scuffle his shirt was torn.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Admittedly, there is cross FIR lodged by accused Allarakha against informant at Crime No. 152/2022, for offences punishable under section 394 read with 34 of IPC, in respect of same incident.

5. The main allegations are against accused Allarakha and considering the role attributed to the present applicant and injury certificate which, prima facie, does not corroborate the allegations made against the applicant, the applicant deserves protection.

6. The applicant was granted interim protection and was directed to co-operate in the investigation. The applicant has attended the police station and co-operated in the investigation. Nothing is to be recovered from the applicant. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary.

7. In the result, application is allowed by confirming the interim protection.

8. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]