

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 495 OF 2023

1. Shaharukh Ali Akhtar Ali Pathan

2. Arbaz Alias Kalya Ali Akhtar Ali  
Pathan

...Applicants

**Versus**

The State of Maharashtra & Anr

...Respondents

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Mr. H. F. Pawar, Advocate for the Applicants.

Mr. G. O. Watamwar, APP for Respondents – State.

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**CORAM : R.M. JOSHI, J.**

**DATE : JUNE 30, 2023**

**ORDER**

1. Applicants apprehend arrest in connection with Crime No. 77 of 2023 registered with Amalner Police Station, Tq. Amalner, Dist. Jalgaon for the offences punishable under Sections 307, 394, 397 of the Indian Penal Code.

2. Juber Khan Pathan gave information to the police that on 10.03.2023 when he had been to Pan Shop at about 09.15 pm Rafiq Shaikh caught hold his hand and dragged him behind the statue of Dr. Ambedkar and by pointing out knife, he called upon him to handover money. When he opposed to the same he was slapped. At

that time, accomplice of Rafiq i.e., present Applicants came with wooden sticks in the hands and they assaulted informant on his chest and abdomen. At that time, Rafiq has weilded knife in his hand and due to which the shopkeepers and other people started running helter-skelter. Rafiq tried to assault informant on his abdomen, however, blow landed on his thigh whereby he sustained injuries.

3. Learned Counsel for the Applicants states that Applicants are falsely implicated in the crime and that allegations of causing injury to the informant by knife is not attributable to them. It is submitted that there are no specific allegations against the Applicants of causing any assault on the informant and hence, they deserve anticipatory bail.

4. Learned APP opposed the application by submitting that the statement of informant is specific to the effect that present Applicants came with sticks in their hands and they assaulted informant. According to him, this allegation gets due support from the injury certificate of the informant wherein blunt trauma to the head, abdomen and chest can be seen

coupled with the CLW on left thigh. According to him, all accused came together at the spot by threatening informant extortion of the money was done.

5. *Prima facie* perusal of the FIR shows that the same is lodged immediately while he was admitted in the hospital. Thus, the possibility of concoction, exaggeration and false implication gets ruled out. Perusal of the report shows that there are specific allegations against Applicants as well as co-accused as to the manner in which the assault was caused on the informant. It is alleged that the Applicants herein has assaulted him with wooden sticks. Injury certificate corroborates the said allegation against them. Thus, it is clear that weapons are used by the Applicants in order to cause assault on the informant. For the purpose of recovery of these weapons, custodial interrogation of the Applicants is necessary. Report of the investigating officer shows that co-accused is history sheeter and the present Applicants are his associates. Thus, it is not the case for grant of pre-arrest bail. Hence, Application stands dismissed.

6. At this stage, learned Counsel for the Applicants seek extension of ad-interim relief for a period of two weeks.

7. Learned APP opposed the said request.

8. Since there was interim relief granted in favour of the Applicants, the same is extended by two weeks.

(R.M. JOSHI, J.)

Malani