

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 572 OF 2023

Khan Khaja Moin s/o Maheboob
@ Moin Maheboob Vakil

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. Swapnil Patnurkar, Advocate for the applicant.
Mrs. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 36/2023 registered with Begumpura Police Station, Dist. Aurangabad for the offences punishable under Sections 326, 143, 147, 148, 149 and 506 of the Indian Penal Code.

2. Informant Bholukhan Pathan gave report to the police stating that on 21st February, 2023 at around 9.30 pm, he was assaulted by Moin (applicant) and Akram Khan with knife. There is allegation against the co-accused of assaulting him with stick.

3. Learned counsel for the applicant states that there are disputes between the parties and owing to the said disputes false implication cannot be ruled out. It is submitted that at the time of occurrence of the alleged incident, applicant was present in Begumpura police station. Thus, this is not a case wherein involvement of the applicant in the crime can be accepted.

4. Learned APP opposed the application by submitting that the distance between the spot of the incident and the concerned police station is about 400 mtrs. and therefore, presence of the applicant at concerned police station at the relevant time will not create possibility of his absence at the spot of the incident.

5. There is no dispute about the fact that the parties are at logger head which can be ascertained from the complaint lodged against each other. Perusal of investigation papers shows that at the relevant time when the incident in question had occurred, presence of the applicant is noticed in the CCTV footage of the concerned police station. As against this, the CCTV footage which covers the incident in question is not sufficient to identify the assailants in the said incident.

6. In view of these facts doubt is created as to whether applicant was present on the spot or not. In such circumstances, liberty of the applicant needs to be protected. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb