

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.597 OF 2023

**ZAID RASHID SAYYAD @ Zaid Sayyad @ TAIPYA
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Shaikh M.A. J., Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 20th JULY, 2023**

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 241/2023 registered with Tophkhana Police Station, Tal. and Dist. Ahmednagar for the offences punishable under Sections 307, 323, 143, 147, 148, 149 of IPC and Section 4/25 of Arms Act.

2. It is a contention of informant that on the date of incident, he was brutally assaulted by the accused persons. It is also stated that just before the assault began, he was called upon by one of the assailants to speak to the co-accused over the phone. It is contended that the incident in question was not spontaneous but it was a result of conspiracy. In the said incident the informant sustained injuries.

3. Learned counsel for the applicant states that he is not named

in the first information report and obviously no overt act has been alleged against him. It is submitted on the basis of supplementary statement of informant came to be recorded at belated stage, involvement of the applicant in this crime cannot be attributed.

4. Learned APP submits that in the supplementary statements of the complainant is recorded on 15/03/2023 name of the present applicant is seen to be one of the assailants. Perusal of the investigation papers show that in first information report name of the present applicant was not referred nor he is seen to be present at the spot on the basis of CCTV footage recorded of the said incident. Hence only on the basis of the supplementary statement recorded after more than 15 days of the incident, and in absence of any other material to connect him with the crime, the liberty of the applicant cannot be denied. There is nothing on record to indicate that this applicant has done any overt act in the incident of assault on the informant. Further there is no evidence to connect him with criminal conspiracy. Nothing is to be recovered at his instance and hence his custodial interrogation is not necessary. He is not likely to flee from justice. Hence the order.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with

Crime No. 241/2023, registered with Tophakhana Police Station, Tal. and Dist. Ahmednagar for the offences punishable under Sections 307, 323, 143, 147, 148, 149 of IPC and Section 4/25 of Arms Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the prosecutrix/ witnesses directly or indirectly.

(vi) He shall not interfere with the evidence in any manner whatsoever.

(vii) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp