

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 ANTICIPATORY BAIL APPLICATION NO.684 OF 2023

ALIM @ MURTAZA KHAN ATAULLAH KHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Amol N. Patale
APP for respondent/State : Mr. S. P. Sonpawale

...
CORAM : R. M. JOSHI, J.
DATE : 27th JUNE, 2023

PER COURT :

1. Applicant is arrested in connection with Crime No. 300 of 2021 registered with Itwara Police Station, Dist. Nanded, for the offence punishable under Section 326, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Informant is the brother-in-law of the present applicant. As per the report given by him, it is clear that there are disputes between the husband and wife and incident in question occurred on 08.12.2021 wherein the applicant – Ataullah Khan assaulted informant with iron pipe and spade. In the said incident, informant sustained injury and while he was admitted in hospital, report is lodged.

3. Learned counsel for the applicant states that there are family disputes between the parties and that false or over implication of the applicant cannot be ruled out. It is informed that the investigation in the crime is over. He drew attention of this court to the report before the Judicial Magistrate First Class, wherein it is stated that iron pipe and spade are already seized. The custodial interrogation of the applicant is not necessary.

4. Learned APP submits that the allegations made in the FIR are serious. He drew attention of this Court medical report indicating number of injuries caused to the informant including grievance injuries to his head.

5. Perusal of the report indicates that when the incident in question has occurred, apart from the informant, other persons were also present at the spot. It does not stand to reason as to why report was not lodged immediately after the incident in question occurred. There is delay of around three days in lodging the report. Considering the previous dispute between the parties, the over implication of the applicant cannot be ruled out. It appears that the

the investigation is progressive and the weapons used in the assault are already seized. In such circumstances, the custodial interrogation of the applicant would not be necessary. In view of all these facts, the application is allowed in terms of interim order passed by this Court vide order dated 04th May, 2023.

[R. M. JOSHI]
JUDGE

SG Punde