

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.704 OF 2023

SAYYADABEGUM ABDUL SALAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. M. S. Karad
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : JUNE 15, 2023

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 525 of 2022 registered with Khultabad Police Station for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 323, 504 and 506 of Indian Penal Code.

2. Informant has stated that on 12.12.2022 at 07.00 pm Applicant came in front of his house and threatened to call her brother. She quarreled with them. Thereafter at about 10 to 10.30 pm brother of the Applicant came to the spot and they started abusing and beating Mahajabeen Shaikh. When the said incident of quarrel was going on present Applicant intervened in the said assault. At that time, brother of the

Applicant assaulted him by stating as to why he is intervening in the said quarrel.

3. Perusal of the first information report itself shows that present Applicant has no concern with the alleged assault caused by her brother on the informant. It is also pertinent to note that the said assault was caused only for the reason that the informant had intervened in the quarrel with brother of the Applicant and Mahajabeen Shaikh. If it is so, even assuming that on the same day in the evening present Applicant had threatened the informant, she cannot be considered to have common object with the co-accused for the purpose of causing the said assault. Admittedly, Applicant was not present on the spot of incident. Applicant is a lady. Nothing is to be recovered at her instance. If her presence is required, then investigating officer may call her to remain present before him.

4. Hence, application stands allowed in terms of interim order dated 03rd May, 2023.

(R.M. JOSHI, J.)

Malani