

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

953 ANTICIPATORY BAIL APPLICATION NO.746 OF 2023

JAVED SHAIKH MOHAMMAD @ JAVED NAKTYA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent/State : Mr. G. O. Wattamwar

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

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 422 of 2022 registered with Dhule City Police Station, Dhule for the offences punishable under Sections 394, 395, 397, 326, 504, 506 r/w 34 of the Indian Penal Code.

2. According to the informant, on 22nd July, 2022 at about 12:45 p.m., an incident occurred wherein present applicant assaulted him with baseball bat. It is also alleged that co-accused with the same baseball bat caused grievous injury to his left leg.

3. Learned counsel for the applicant states that the charge-sheet has been filed and the offences punishable under Section 394,

395 and 397 are dropped. It is further submitted that even if any grievous injury is caused to the informant, the same cannot be attributed to the present applicant.

4. Though the learned APP is unable to confirm the fact that whether the charge-sheet has been filed in this case, the perusal of the investigation papers indicate that, in the supplementary statement the informant has candidly accepted that there was no theft of gold chain and cash of Rs. 20,000/-. Thus, only offence remains against the applicant and the co-accused is punishable under Section 326 of the Indian Penal Code. Perusal of the report lodged by the informant shows that the injury caused to the right leg was on account of the assault by co-accused and not present applicant. Thus, the offence punishable under Section 326 of the IPC may not apply against the present applicant. The report of the Investigating Officer shows that the weapons are already seized, hence custodial interrogation is not necessary. In view of these facts, the following order is passed.

ORDER

- (i) In the event of arrest of applicant in connection with Crime No. 422 of 2022 registered with Dhule City Police Station, Dhule for the offences punishable under Sections

394, 395, 397, 326, 504, 506 r/w 34 of the Indian Penal Code, he be released on bail on his furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

- (ii) He shall attend the concerned police station once in a week.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE