

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 777 OF 2023
IDRIS WAHED BAHASHWAN
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. S. Shaikh, Advocate for the applicant
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 23/06/2023

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PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 380/2018 registered with City Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 395, 427 read with 34 of IPC. Informant Mohamad Khan gave information to the police that on 02/12/2021 when he was returning the home from Masjid present applicant and co-accused obstructed him on the road and abused and assaulted him. It is alleged that accused Wajed was holding iron rod and he assaulted informant on left eye. In the said incident he sustained injury and lost silver chain and cash of Rs.500/-.

2. Learned counsel for the applicant states that there are cross complaints lodged in respect of the alleged incident. Thus, according to him there was a quarrel occurred between two families and in fact informant and his accomplices had beaten to the family of the applicant. In the said incident injuries were sustained by the relatives of the applicant. It is submitted that present report is by way of counter blast.

It is also claimed that the other accused are already enlarged on anticipatory bail.

3. Learned APP opposed the application with the submission that in the first information report name of the applicant appears and on the basis of which his involvement in the assault can be seen. It is stated that there is injury certificate to indicate that the informant had sustained injury to his eye. Thus, according to him it is not a fit case to grant of pre-arrest bail.

4. Perusal of the record shows that some incident has definitely occurred on 02/12/2018, in view of the fact that counter reports were lodged by both sides. Perusal of the first information report in the present application indicates that when the present applicant & co-accused came to the spot and they abused the informant. It is however alleged that co-accused caused assault on him with iron rod. The investigation papers support the said allegation. There is however no specific allegation of applicant herein causing any assault with any weapon on informant. Thus nothing is to be recovered at the instance of present applicant. Appropriate direction to the applicant to remain present before the Investigating Officer is sufficient to ensure further effective investigation. Hence application is allowed in terms of interim order dated 16/05/2023.

(R. M. JOSHI, J.)

ssp