

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 522 OF 2023

1. Sangharsh s/o Suresh Sonwane
2. Ajaz s/o Ahemed Khan Applicants
Versus

The State of Maharashtra Respondent

Mr. A. K. Bhosle, Advocate for the applicants.
Mr. S. P. Sonpawale, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 787 OF 2023

Shaikh Jakir Shaikh Babar Applicants
Versus

The State of Maharashtra Respondent

Mr. A. K. Bhosle, Advocate for the applicants.
Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 21st JULY, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 042/2023 registered with Osmanpura Police Station, Dist. Aurangabad, for the offences punishable under Sections 394, 354, 324, 427, 141, 143, 147, 148, 149 of Indian Penal Code.

2. It is the contention of informant that on 6th March, 2023, Sk. Yunus and other 15 to 20 persons came to the plot in dispute and they tried to erect a tin shed. When it was obstructed, the said persons assaulted the informant and his brother. There is allegation that applicant Sk. Jakir outraged the modesty of the mother of the informant. Allegation is made against one Vaibhav that he snatched mobile from from the informant.

3. Learned counsel for the applicants states that there are disputes between the parties and that there are no allegations against the present applicants of causing any assault with any weapon or even of snatching mobile phone of the informant.

4. Learned APP opposed the application by contending that the statement of the first informant gets support from the statement of his mother who also stated that her modesty was outraged by applicant Sk. Jakir.

5. Perusal of the First Information Report shows that an attempt was made by the accused persons to erect a structure

whereas the mother of the informant makes a statement as if there exists a structure and that the accused have tried to remove the same. There is basic inconsistency in this two statements which makes both the statement unreliable. Considering the fact that there are disputes between the parties over the property, case of false implication cannot be ruled out. Custody of the applicants is not required as nothing is to be recovered at their instance. Hence, the following order :-

ORDER

(i) Anticipatory Bail Application No. 522/2023 is allowed in terms of the interim order.

(ii) Anticipatory Bail Application No. 787/2023 is allowed.

(iii) In the event of arrest of applicant in Anticipatory Bail Application No. 787/2023, in connection with Crime No. 042/2023, registered with Osmapura Police Station, Dist. Aurangabad, for the offences punishable under Sections 394, 354, 324, 427, 141, 143, 147, 148, 149 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

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

(v) He shall not contact the 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)
Judge

dyb