

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.847 OF 2023  
WITH ABA/940/2023**

**AYUB KASIM PYARAWALE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. S. G. Jadhavar, Advocate for the applicant  
Mr. V. S. Badakh, APP for the respondent/State

**CORAM : R. M. JOSHI, J.**  
**DATE : 31<sup>st</sup> JULY, 2023**

**P.C. :-**

1. Applicants apprehend arrest in connection with Crime No. 91 of 2023 registered with Hingoli City Police Station, Dist. Hingoli for the offences punishable under Sections 143, 147, 148, 149, 326, 324, 336 of Indian Penal Code.

2. The first information report shows that an incident occurred on 11/02/2023 in which applicants along with co-accused assaulted the informant. There is specific allegation against the applicant Kasim has assaulted Ahemad with iron rod and caused fracture injury to the left hand to his left hand. As far as Ayub is concerned, the allegation against him is caused injury to Hasan on his head with sickle.

3. Learned counsel for the applicants states that there are no omnibus allegations made against the applicants. It is his contention that a number of persons were involved in the alleged incident, it was practically not possible for the informant to specify act of present applicants. It is also contended that it was a case of free fight wherein both sides sustained injuries as in the said incident there was pelting of stones and bricks each other.

4. Learned APP opposed the application by contending that though there are general allegations made against the other accused of throwing stone and bricks against each other however there are specific allegations against these present applicants. According to him the allegations against them is duly supported by the injury certificate placed on record. Thus, according to him it is a fit case for grant of custodial interrogation as recovery of weapon is yet to be done.

5. Perusal of the first information report no doubt indicates that number of persons were involved in the crime in question and that in the said incident pelting of stone was also seized. However, applicant Ayub is concerned, there is specific allegation against him of causing of injury to Ahemad with sickle on his head. The injury certificate supports the said allegation against him. With regard to applicant Kasim the allegation

against him is of causing assault on the hand of Ahemad and the injury certificate shows that a fracture injury was caused to him. Considering these specific overt acts alleged against present applicants in causing of injuries in the assault with weapons, it is a fit case wherein the custodial interrogation of the applicants. As the same is necessary for the purpose of recovery of the weapons. Having regard to the serious nature of offence and allegations against them which are duly corroborated by the injury certificates on record, this is not a fit case for grant of pre-arrest bail. Hence applications are dismissed.

6. Learned counsel for the applicants states that the liberty of the applicants was protected by interim order which may be extended by two weeks. Learned APP opposed the said prayer.

7. Having considering the fact that the liberty of the applicants was protected by interim relief, it is extended by two weeks.

**(R. M. JOSHI, J.)**

ssp