

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

ANTICIPATORY BAIL APPLICATION NO.875 OF 2023

ABRAR @ CHUNNU SHERU PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. R. P. Patwardhan
APP for Respondents: Mr. S. P. Sonpawale
...

CORAM : R.M. JOSHI, J

DATE : AUGUST 29, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 114 of 2023 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504 of the Indian Penal Code.

2. FIR indicates that an incident had occurred on 17.03.2023 wherein the informant was assaulted by Tausif and Azhar. There is further allegation that 10-15 other persons were present at the spot they abused and assaulted him with fist and kick blows.

3. Learned Counsel for the Applicant states that there is no specific allegation against him causing assault on the informant with any weapon. It is also

contended that the offence punishable under Section 307 of IPC does not get attracted against him.

4. Learned APP by relying upon the investigation papers and more particularly transcript of CCTV footage submits that presence of the Applicant can be seen at the spot of incident. Hence, it is not a fit case for grant of anticipatory bail.

5. FIR as well as transcript of the CCTV footage do not show any overt-act committed by the present Applicant in the said incident of assault. The use of weapon and causing of injury is specifically alleged against two co-accused. Hence, *prima facie* there is no material on record to show involvement of the Applicant in attracting offence punishable under Section 307 of IPC. There are no criminal antecedents against Applicant.

6. In view of above, application stands allowed by confirming order dated 06th June, 2023.

(R.M. JOSHI, J.)

Malani