

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

ANTICIPATORY BAIL APPLICATION NO.890 OF 2023

REHMAN S/O PARBAT TADVI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. R. Shaikh
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J

DATE : JULY 28, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 191 of 2022 registered with Savda Police Station, Dist. Jalgaon for the offences punishable under Sections 143, 147, 149, 307, 323, 324, 337, 504 of the Indian Penal Code and Sections 37(1)(c), 135 of Maharashtra Police Act.

2. Perusal of the FIR indicates that an incident had occurred on 28.09.2022 in which number of persons gathered to the spot with sticks, stones and bricks in their hands. There are allegations against some of the accused for committing specific overt-acts. As far as present Applicant is concerned, there is no specific allegation against him about he causing assault on

informant or others.

3. Learned Counsel for the Applicant states that similarly placed co-accused has been granted anticipatory bail and hence, on parity present Application deserves to be allowed. It is contended that allegations against present Applicant are omnibus in nature.

4. Learned APP opposed the application by referring to the statement recorded of the informant under Section 164 Cr.P.C wherein it is contended that the Applicant pelted stones and thereby caused injury to the informant.

5. Perusal of the report indicates that there are no specific allegations against present Application about causing assault on the informant or witnesses. When there are specific allegations made against co-accused showing their overt-acts, it does not stand to any reason why no allegation is made against present Applicant. Statement under Section 164 Cr.P.C is recorded after 8 months of occurrence of the incident. Thus, at this stage, no evidentiary value can be

attached to this statement. Thus, this Court finds substance in the contention of learned Counsel for the Applicant that on parity Applicant is entitled for grant of anticipatory bail.

6. In view of these facts, application is allowed by confirming order dated 23rd June, 2023.

(R.M. JOSHI, J.)

Malani