

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO.907 OF 2023

SHAIKH ABDUL RAHEMAN S/O. SHAIKH IBRAHIM
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vijay B. Jogdand Patil
APP for Respondent – State : Mr. V.S. Badakh
...

CORAM : R. M. JOSHI, J.
DATE : JULY 26, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No. 164 of 2023, registered with Cantonment (Chavani) Police Station, Tq. & Dist. Aurangabad for the offences punishable under Section 392 r/w. Section 34 of the Indian Penal code.

2. Learned counsel for applicant states that bail application of the present applicant is rejected only on the ground that he has no apprehension of arrest. It is difficult to accept that when the prosecution has opposed application for anticipatory bail, it cannot be assumed that he has no apprehension of arrest.

3. Learned counsel for applicant further states that except for the alleged statement by co-accused, there is absolutely no evidence against applicant to connect him with the crime in question. The alleged incident is occurred at a public place and no statement of any independent witness has been recorded.

4. Though learned APP opposed application, however except alleged statement of co-accused he was unable to show any independent evidence to connect applicant with the present crime. In view of this, this is fit case to protect liberty of applicant. Hence, following order:

ORDER

- (i) Application stands allowed in terms of interim relief dated 21.06.2023.

[R. M. JOSHI]
JUDGE

GGP