

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 959 OF 2023

Hussain Khan s/o Abbas Khan @ Babbu & others Applicants

Versus

The State of Maharashtra & another Respondents

Mr. S. S. Dargad, Advocate for the applicants.

Mr. S. B. Jadhav, APP for the State.

Mr. Akram Inamdar, Advocate holding for Mr. S. S. Kazi, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 122/2023 registered with Jinsi Police Station, Dist. Aurangabad, for the offences punishable under Sections 307, 324, 143, 147, 148, 149 and 506 of Indian Penal Code.

2. Informant is the report who lodged report with police on 1st May, 2023 at around 6.20 pm in respect of the incident occurred on 30th April, 2023 at around 11.00 pm. It is his contention that he

and his son were abused and assaulted by the applicants. There is also allegation that a knife was used in causing said assault.

3. Learned counsel for the applicants submits that informant has given history to the Medical Officer of accidental self fall near house at 11.00 pm. Thus, according to him, it is a case of false implication.

4. Learned counsel for informant claims that the history is recorded by the accused and not by the informant. He also made grievance that the police has not seized CCTV footage from the CCTV camera installed outside the house of accused No. 1. Learned APP though opposed the application however from the report of Investigating Officer it is seen that those CCTV cameras were affixed but no DVR box is available.

5. Informant is a reporter by profession. It, therefore, does not stand to any reason as to why he will allow someone else to record history. Investigation papers clearly indicate that informant had given history of accidental fall near his house at 11.00 pm on 30th April, 2023. Apart from this, perusal of injury certificate does

not corroborate with the allegations made in the First Information Report. Though it is alleged in the First Information Report that knife was used in causing assault, none of the injuries recorded in the medical certificate attribute to use of knife. Thus, this Court finds substance in the contention of learned counsel for the applicants about possibility of false implication. There is nothing to show that the applicants have abused the order granted by this Court in June 2023. In view of this, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb