

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO.1067 OF 2023

FAISAL KHAN FIROJ KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rohit Prashant Patwardhan
APP for Respondent – State : Mrs. G.L. Deshpande
...

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

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.257 of 2023 registered with MIDC CIDCO Police Station, Dist. Aurangabad for the offences punishable under Section 141, 143, 147, 149, 307, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. Informant has reported incident occurred on 25.05.2023 wherein he has found present applicant carrying cattle in vehicle. Then he made enquiry about the same. It was revealed to him that the cattles were taken for unauthorised slaughtering. At that time about 30 to 35 unknown persons came to spot and they assaulted informant.

3. Learned counsel for applicant states that there is no overt act alleged against present applicant and hence applicant deserves anticipatory bail.

4. Though learned APP has argued that in the alleged incident informant has sustained number of injuries, however she is unable to point out that present applicant is the author of any of these injuries.

5. Perusal of First Information Report clearly indicates that informant was aware about name of present applicant. Applicant was driver of vehicle in which cattle were carried and applicant was involved in assault. These facts ought to have been reflected in the FIR. The First Information Report clearly indicates that unknown persons caused assault on informant. Even accepting the fact that informant sustained injuries in the said assault, none of the injury can be attributed to present applicant. Hence, following order:

ORDER

(i) Application is allowed in terms of interim order dated 05.07.2023 except condition no.(ii) which is modified as under:

(a) Applicant shall attend concerned police station once in fortnight till filing of charge-sheet.

[R. M. JOSHI]
JUDGE

GGP