

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1182 OF 2023

Abdul Majid Abdul Rashid

Applicant

Versus

The Superintendent of Police & another

Respondents

Mr. P. P. More, Advocate for the applicant.

Mr. V. S. Badakh, APP for the State.

Mr. Tushar Shinde, Advocate holding for Mr. K. P. Rathod, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0161/2023 registered with Kadim Jalna Police Station, Dist. Jalna for the offences punishable under Sections 323, 324, 326, 307, 504 read with Section 34 of Indian Penal Code.

2. Sharif Khan Hasan Khan lodged report with the police on 11th April, 2023 that on 9th April, 2023 an incident occurred in which he was assaulted with knife by the applicant and others. He claims that he went to concerned police station and he was given medical

memo. However, he was not admitted in hospital. Hence, he went to Navjeevan Hospital, Jalna.

3. Learned counsel for applicant states that it is a case of false implication which can be demonstrated from the fact that the injuries alleged against the informant are minor injuries which could be self-inflicted one. It is also submitted that initially offence under Section 324 of Indian Penal Code was registered however, later on, offence under Section 307 of Indian Penal Code was added.

4. Learned APP and learned counsel for the informant vehemently opposed the application by relying upon investigation papers. It is submitted that the injuries caused to the informant cannot be treated as self-inflicted and that a knife was stuck to the back of the informant which can be seen from the photograph on record.

5. Admittedly, the incident has allegedly occurred on 9th April, 2023 and report thereof is lodged on 11th April, 2023. Injury certificate indicates that simple injuries were caused to the informant. If it is so, it is hardly believable that knife was stuck to

the back of the informant and he was required to be taken to the hospital with it. The most shocking part reveals from the investigation papers is the photograph of the injured. This photograph shows that a knife is attached to his back with a tape which indicates that in all probability the doctor of Navjeevan Hospital has helped the informant to create record. Thus, it is a fit case not only to grant anticipatory bail, but Investigating Officer is also required to investigate into issuance of certificate by doctor of Navjeevan Hospital, Jalna. Hence proper investigation be carried out to ascertain as to whether it is a case of false implication of the applicant with the aid/assistance of the concerned doctor. In the result, application is allowed. Hence the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 0161/2023, registered with Kadim Jalna Police Station, Dist Jalna, for the offences punishable under Sections 323, 324, 326, 307, 504 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/-

(Rs. Fifteen Thousand only) with one surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb