

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

ANTICIPATORY BAIL APPLICATION NO.1185 OF 2023

1. Mohamad Faiz Asif Bagwan
 2. Mohammad Salem Imran Sayyed
- ... APPLICANTS

VERSUS

The State of Maharashtra
Through Kotwali Police Station,
Dist. Ahmednagar

... RESPONDENT

Mr. T. S. Shaikh, Advocate for the applicants
Mr. M. K. Goyanka, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 4th DECEMBER, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 401/2023 registered with Kotwali Police Station, dist. Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of IPC.

2. First information report indicates that about 15-20 persons came to the spot. Some of them were holding sticks in their hands. There is other allegations that stones were pelted by them and in view of pelting of the stone, injuries were sustained by the informant.

3. Learned counsel for the applicants submits that no overtact has been alleged against the present applicants and considering the fact that the alleged injuries are simple in nature and nothing is to be recovered at the instance of the applicants, their liberty deserves to be protected.

4. Learned APP opposed the application by citing injuries caused to the informant. It is his contention that 15-20 persons gathered to the spot and pelted stones, this indicates their common intention in causing assault.

5. Perusal of the first information report does not show any overtact being committed by the applicants. The injured/informant had sustained about 2-3 simple injuries. Therefore, it cannot be said that all the persons who had allegedly been present at the spot caused the said injuries. Learned APP states that applicant No.2 is having one offence to his discredit. Even if it be so, having regard to the nature of offence his liberty also deserves to be protected. Having regard to these facts and as nothing is to be recovered from the applicants, the liberty of the applicants deserves to be protected. Hence, application is allowed in terms of interim order dated 25th July, 2023.

(R. M. JOSHI, J.)

ssp