

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1315 OF 2023

Abdul Hafiz s/o Abdul Jabbar

Applicant

Versus

The Superintendent of Police & another

Respondents

Mr. S. S. Gangakhedkar, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

Mr. M. K. Bhosale, Advocate for the informant.

WITH
CRIMINAL APPLICATION NO. 3280 OF 2023

CORAM : R. M. JOSHI, J.

DATE : 27th OCTOBER, 2023.

PER COURT :

1. At the outset, learned counsel Mr. Bhosale states that he has instructions to appear on behalf of the informant. Having regard to the nature of offence, permission is granted to assist learned APP. Criminal Application No. 3280/2023 is allowed.

2. Applicant apprehends arrest in connection with Crime No. 087/2023 registered with Vazirabad Police Station, Dist. Nanded for the offences punishable under Sections 387, 307, 143, 147, 148, 149, 120B of Indian Penal Code and Section 4 and 25 of Arms Act.

3. Learned counsel for applicant submits that similarly placed accused Mirza Beig is granted anticipatory bail by this Court by order dated 23rd June, 2023 in Anticipatory Bail Application No. 823/2023. It is his contention that the allegation against both these accused is pointing out to the victim who has been assaulted by the co-accused. He further states that the main accused has already been arrested and enlarged on bail thereafter.

4. Learned counsel for informant and learned APP opposed the application essentially on the ground of criminal antecedents of the applicant.

5. Considering similar role alleged against the present applicant and the co-accused who is granted anticipatory bail, this Court finds no reason for denying parity. As regards allegation of antecedents is concerned, having regard to the facts and circumstances of case the same cannot become a ground to refuse anticipatory bail after filing of the charge-sheet. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge