

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1413 OF 2023

Pathan Faisal Khan s/o Wahab Khan

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. Quadri Syed Raheel, Advocate holding for Mr. S. S. Kazi, Advocate for the applicant.

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

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 70/2023 registered with Kannad City Police Station, Tq. Kannad, District Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 504, 506 of Indian Penal Code and Section 135 of Maharashtra Police Act.

2. First informant Rahul lodged First Information Report in respect of the incident occurred on 3rd April, 2023. It is alleged by him that at around 10.15 pm on that day, about 20 to 25 persons came to his house. It is alleged that they assaulted him by questioning about instagram video of the informant. Allegation of overact is also made against some of the accused persons.

3. Learned counsel for applicant submits that applicant is not named in the First Information Report and for want of any specific role being attributed to him, he deserves anticipatory bail. He claims that applicant has no criminal history.

4. Learned APP opposed the application by contending that though name of the applicant is not named in the First Information Report, however, his name appears in the statement of witnesses.

5. First Information Report does not attribute any overt act against the present applicant as he is not named therein. In the statement of witnesses though name of applicant reveals, no overt act is alleged against him. Liberty of applicant was protected by order dated 28th August, 2023. There is nothing to show that he has abused the liberty. There are no criminal antecedents against him. He is not likely to flee from justice. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb