

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1437 OF 2023

SHAIKH JAVED SHAIKH MAKSUD @ TIPU
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. H. D. Deshmukh
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 21, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 268 of 2023 registered with Pundlik Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 394, 506 read with Section 34 of the Indian Penal Code.

2. On 19.07.2023 informant Firoj reported to police incident dated 27.06.2023 at about 10.30 pm in which he was assaulted with knife by the Applicant and co-accused and that an amount of Rs.3000/- was snatched from him.

3. Learned Counsel for the Applicant states that there is delay in lodging of the FIR and that there is no evidence to connect him with this crime.

4. Learned APP though opposed the application but was unable to show any medical certificate indicating the injuries caused to the informant. Thus, supplementary statement however is referred to submit that since time has lapsed in between after causing injuries, he has no medical papers available with him.

5. Perusal of the order passed by learned Additional Sessions Judge indicates that only on the ground that there are number of offences registered against the Applicant his bail application is rejected. No doubt, there is record to indicate that such offences are recorded against him, however, that itself could not become sole ground to reject the application for bail if there is no evidence to connect him with the crime in question. There is absolutely no evidence to show that any injuries were caused to the informant. The report is lodged belatedly and hence, *prima facie* doubt is created about its credentials.

6. In view of above, there is no reason to deny pre-arrest bail to the Applicant. Hence, application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the of Applicant in connection with with C.R. No. 268 of 2023 registered with Pundlik Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 394, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station once in a week till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani