



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1535 OF 2023
WITH APPLN/3717/2023

Shaikh Mohammad Danish Gaffar

...Applicant

VERSUS

The State Of Maharashtra And Another

...Respondents

...

Ms. A. A. Lomte, Advocate for the Applicant.

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

Mr. S. T. Yaseen, Advocate for the informant.

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 29, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 118 of 2023 registered with Parali (City) Police Station, Dist. Beed for the offences punishable under Sections 307, 324, 34, 427 of the Indian Penal Code.

2. First informant Sk. Mobin Sk. Dastagir reported to the police that on the previous day Danish Gaffar (Applicant) threatened him to see him. On the next day at around 09.30 am when he came out of the gym and started going towards his house on motorcycle one black colour innova bearing no. MH-23-E-7359 came

towards him. The said vehicle was driven by the Applicant. He drove the said vehicle on the two wheeler of the informant and he was dragged thereafter. It is the contention of the informant that this is an attempt to commit his murder.

3. Learned Counsel for the Applicant submits that there is nothing on record to indicate that this is not a case of accident but it is an attempted murder of the informant.

4. Learned Counsel for the informant though opposed the application by contending that owing to the threats given on the previous date, this is a clear case of an attempt to commit murder. He however, was not able to show from the CCTV footage that there was any deliberate or intentional driving of the vehicle by the Applicant in order to commit murder of the informant.

5. Learned APP opposed the application by relying upon the investigation papers which include the injury certificate indicating injuries caused to the informant.

6. There is CCTV footage available which indicates that there was an accident between two wheeler allegedly driven by the Applicant and two wheeler by the informant. However, there is nothing on record to show that deliberate dash was given by the Applicant. Though it is mentioned in the FIR about the threats given by the Applicant to the informant on the previous date, however, considering the alleged reason for the said threat, it cannot become motive to kill someone. Pertinently, there is no complaint in respect of such threat given by Applicant. Thus in all probabilities this could be a case of accident which is sought to be given colour of offence under Section 307 of IPC. Record indicates that vehicle driven by the Applicant is already recovered. There is nothing left to be recovered at the instance of Applicant. There are no criminal antecedents against him. He is not likely to flee from justice.

7. In view of above, application stands allowed. Hence, the order:

O R D E R

(i) In the event of arrest the Applicant in

connection with C.R. No. 118 of 2023 registered with Parali (City) Police Station, Dist. Beed for the offences punishable under Sections 307, 324, 34, 427 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 as and when required.
- (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.
- (vi) Pending application is also disposed of.

(R. M. JOSHI, J.)

Malani