



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1750 OF 2023

Mirza Munir Baig Mirza Aslam Baig ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1738 OF 2023

Moiz Khan Noorullah Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. G. R. Syed, Advocate for the Applicant.

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

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 12, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 222 of 2023 registered with Kotwali Police Station, Dist. Parbhani for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 341, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act.

2. First informant claims that an incident

occurred on 26.07.2023 at around 04.00 pm in which he was assaulted by Applicants and co-accused. There is allegation that he was assaulted with shock absorber rod of motorcycle, sword and iron rods. He claims to have sustained grievous injuries in the said incident.

3. Learned Counsel for the Applicants submit that the incident in question has occurred on 26.07.2023 whereas report came to be lodged on 01.08.2023. According to him, owing to the previous disputes between the parties, possibility of false/over implication cannot be ruled out.

4. Learned APP opposed the applications by referring to the statement of informant as well as injury certificate which indicates causing of two grievous injuries to the informant on his face.

5. Perusal of the report shows that it is alleged therein that accused were having weapons in their hand including sword and iron rod. Allegation is that with these weapons assault has caused resulted in causing of injury. In this regard transcript of CCTV

footage which shows that none of the accused is holding weapons in their hands. In the said transcript identity of the Applicants is also not revealed. This Court finds substance in the contention of learned Counsel for the Applicants that this could be a case of over implication owing to the delay in lodging of report. Hence, their liberty deserves to be protected. There are no criminal history against present Applicants. They are not likely to flee from justice. Nothing is to be recovered at their instance. Hence, the order:

O R D E R

- (i) Both applications are allowed.
- (ii) In the event of arrest of both Applicants in connection with C.R. No. 222 of 2023 registered with Kotwali Police Station, Dist. Parbhani for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 341, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in

any manner whatsoever.

- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani