

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1689 OF 2022

Gulab Ayyubkhan Pathan And OthersApplicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. N.B. Narwade, Advocate for the applicants.

Mr. A.A. Jagatkar, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd JANUARY, 2023

ORDER :

1. The applicants are apprehending arrest in Crime No. 502 of 2022, registered with Camp Police Station, Ahmednagar, for offences punishable under sections 143, 147, 149, 323, 324, 427 , 504, 506 of the Indian Penal Code.

2. First Information Report is lodged by Shamina Bashir Pathan alleging that on 02.11.2022 at 12.00 noon, when she was in front of her house along with her nephew, applicant No. 1 along with 7 to 8 unknown persons were trying to put a tin shade on the kaccha road constructed by the informant. When she tried to prevent them from doing so, they abused her and

assaulted her with fist and kick blows. When her son, nephew and her sister-in-law came there they were also assaulted with fists and kick blows. Applicant No. 2 snatched her mangalsutra. They also damaged a camera.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Civil dispute in respect of tin shade is going on between informant's side and applicants side. Previously, at the instance of informant's side offence under section 302 of Indian Penal Code was registered against applicants side in which the Sessions Court has granted anticipatory bail. Applicant No. 3 has lodged FIR at Crime No. 503 of 2022 on 02.11.2022, with Camp Police Station, Ahmednagar, against informant and 15 others, which is registered for offences punishable under sections 143, 147, 149, 323, 327, 504 and 506 of the Indian Penal Code.

5. Injury certificates of informant and her son show one simple injury to informant, and two simple injuries to her son.

6. Taking into consideration the previous litigation and peculiar facts of the present case, prima facie there appears substance in the contention of the applicant that only with a view to prepare ground for cancellation of anticipatory bail, applicants are falsely implicated in the present crime.

7. The applicants were granted interim protection and they have attended the concerned police station and co-operated in the investigation. Pre-trial custodial interrogation of applicants is not warranted in the facts of the present case. The applicants are therefore entitled for protection.

8. The application is allowed in terms of interim order dated 13th December, 2022.

9. Till filing of charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]