

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1696 OF 2022

**SYED MOHSIN MUSTAFA HASHMI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Ajinkya Reddy, Advocate for Applicant
Mr. R. P. Gour, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No. 438/2022, registered with Udgir Rural Police Station, Latur, for offence punishable under Sections 307, 323, 143, 147, 148 and 149 of the Indian Penal Code.
2. FIR is lodged by Arif Salim Hashmi Syed alleging that while his brother was cutting the lock of their shop taken on rent, his uncle, aunt and other people came there. At that time, Syed Irfan Syed Irshad Jahagirdar assaulted on the head of his father with iron rod and Syed Jahur Mustafa Hashmi assaulted on the head of his brother with stick. Other accused persons assaulted with iron rod and sticks.
3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. Applicant's side has lodged FIR against eight persons from informant's side, which is registered at Crime No.437/2022, for offence punishable under Sections 307, 323, 143, 147, 148, 149 of IPC. From the said FIR and the investigation papers, it appears that there was free fight between two groups in which members of both the parties have received injuries.

5. Iron rod and wooden stick are recovered by the investigating officer. Applicant is a pensioner aged 74 years. Considering the general allegations levelled against him, nothing is to be recovered from him. No specific role is attributed to the applicant in FIR. Applicant was granted interim protection and he has cooperated in the investigation. Pre-trial custodial detention of applicant is not necessary in the facts of the present case.

6. Application is, therefore, allowed by confirming interim order dated 14/12/2022. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer and shall cooperate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)