

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1701 OF 2022

Shaikh Mohammed Shahid S/O. Shaikh
Mohammed Salim (Shahdullah Bagwan) ...Applicant

Versus

The State Of Maharashtra & Another ...Respondents

Mr. Saeed S. Shaikh, Advocate for the applicant.
Mrs. R.P. Gaur, APP for respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 171/2022, registered with Shanipeth Police Station, Jalgaon, for offences punishable under sections 323, 324, 326, 337, 504 read with 34 of the Indian Penal Code.

2. First Information Report is lodged by Akil Shaha Rahim Shaha alleging that on 09.09.2022 at noon time, four accused persons named in the FIR assaulted his son Sad Ahmed. When he tried to intervene, he was assaulted with fighter, iron rod, stick and tiles.

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

4. According to the applicant, he is falsely implicated in the present crime and he was at his shop at the time of alleged incident. In support of this contention the applicant has placed on record his photographs obtained from CCTV footage showing date and time.

5. In the FIR, though, it is alleged that, the applicant used fighter to assault the informant, in supplementary statement recorded subsequently, informant has stated that the applicant gave stick blow on his chest and accused Wasim assaulted with fighter. Injury certificate of informant shows BT (blunt trauma) to back and head at occipital region. One of the injured Raees Shah Nasir Shah suffered CLW on abdomen (stab injury). The nature of injuries simple in nature. There is no corresponding injury of assault on chest attributed to the present applicant.

6. During the course of investigation, weapons allegedly used at the time of incident are recovered. Nothing is to be recovered from the applicant. Investigation appears to be practically complete. In the facts of the present case pre-trial custodial detention of the applicant is not warranted.

7. In the result, application is allowed by confirming the interim order dated 14th December, 2022.

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

[NITIN B. SURYAWANSHI, J.]