



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

964 ANTICIPATORY BAIL APPLICATION NO. 1930 OF 2023

Siraj Shaikhlal Shaikh

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

Ms. P. P. Wangikar, Advocate holding for Mr. R. V. Gore, Advocate for
Applicant

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

CORAM : R. M. JOSHI, J.

DATE : 14th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 1023/2023 registered with Pathardi Police Station, District Ahmednagar for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 427 of Indian Penal Code.

2. First informant reported to the police incident occurred on 29th September, 2023, at 11.30 am. He claims that applicant and others came with wooden stick and iron rod. They broke open the door of house of informant and assaulted him and his parents. There are allegations against three co-accused persons specifically

attributing overt act against them. There is general allegation against present applicant and other unknown assailants of causing assault.

3. Learned counsel for applicant submits that there is no specific allegation against the present applicant of causing any assault and as such only because applicant is the father in law of accused he cannot be involved in the crime. It is also submitted that injured is already discharged from the hospital and even if injury is caused to him the same is not attributable to the present applicant.

4. Learned APP opposed the application by relying upon the statements of witnesses and injury certificate.

5. Perusal of First Information Report shows that there are disputes between the parties over purchase of land. There are specific allegations against three accused persons of causing assault with weapon and specific overt act is alleged against them. However, as far as present applicant is concerned, general allegation is found against him. Even injury certificate does not show that injury caused to the informant is attributable to the present applicant. Pertinently, though it is claimed that parents of informant also

sustained injuries in the said assault, there is no injury certificate indicating causing of any injury to them. This Court, therefore finds substance in the contention of learned counsel for the applicant that this could be a case of false implication. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb