



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

**ANTICIPATORY BAIL APPLICATION NO. 89 OF 2024**

Miya Hasan Saheb Patel @ Shaikh

....Applicant

**VERSUS**

The State Of Maharashtra And Another

.....Respondents

.....

Mr. P.M. Nagargoje, Advocate for applicant.

Mr. A.R. Kale, APP for respondents-State.

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**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 15<sup>th</sup> MARCH, 2024**

**ORDER :**

1. Applicant apprehends arrest in C.R. No. 327 of 2023, registered with Yermala Police Station, Dist. Osmanabad, for offences punishable under sections 307, 323, 504, 506 r/w 34 of Indian Penal Code and under section 4 and 25 of Arms Act.

2. FIR is registered on the basis of direction issued by learned Magistrate under section 156(3) of Cr.P.C., at the instance of informant, wherein it is alleged that there are civil disputes going on between informant and applicant. On 27.08.2023, accused came to the agricultural land of informant and abused her by pointing rifle on her son and assaulted her son with fists and kick blows. Informant rescued her son.

*Bhagyawant Punde*

Threats to kill her son were given by accused.

3. Heard learned advocate for applicant and learned APP for respondent. Perused the investigation papers.

4. Applicant is 81 years old retired Government servant having licensed gun. Admittedly, there are civil and revenue disputes going on between applicant and informant. In these facts, *prima facie*, false implication of applicant cannot be ruled out.

5. Applicant was granted interim protection and he has co-operated in the investigation. The gun is already seized by investigating officer. Nothing is to be recovered from applicant, therefore, his pre-trial custodial detention is not necessary.

6. In the result, application is allowed by confirming interim protection order dated 16.01.2024.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI, J.]**

*Bhagyawant Punde*