



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 310 OF 2024

Arbaz Rashid Sayyed

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Vijay B. Jagtap

APP for Respondents: Mrs. D.S. Jape

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CORAM : SHIVKUMAR DIGE, J.

DATED : 3rd SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.178 of 2023 registered with Kotwali Police Station, district Ahmednagar, for the offences punishable under Sections 143, 147, 148, 149, 307, 341, 324, 323, 504, 506 of the Indian Penal Code and under sections 4/25 of the Arms Act.

2. It is the prosecution's case that the informant runs a business of selling and purchasing of old vehicles. It is alleged that earlier the applicant, co-accused and their family members used to purchase the clothes and meats from the shops of the informant on credit basis and they would not return the said amount. It is alleged that on 21.2.2023 when the informant was coming from Namaj, at that time, it is alleged that co-accused Salman and applicant called the informant

and stopped him. It is alleged that co-accused Salman called other co-accused and assaulted the informant. It is alleged that at that time, he was under the influence of liquor. By hearing the shouts of the informant, the family members of the informant came there. It is alleged that co-accused assaulted them with sword, wooden rod, fist and kick blows with intention to kill them. The allegations against the applicant are that he stopped the informant and beaten him.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. There are no specific allegations made against the applicant. The allegations against the applicant are that he was present with Salman and called the informant and thereafter beaten him with other co-accused. No allegations are made against the applicant that he used any weapon. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant and co-accused assaulted the informant and his family members with intention to kill them. Co-accused used sword for attacking the family members of the informant. They had sustained serious injuries in the said attack. The applicant was the part of group who assaulted the informant and his family members. Considering the allegations

against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he was present with co-accused Salman and they called the informant and stopped him when he was going on. It is alleged that the applicant alongwith co-accused assaulted the informant. There are no allegations against the applicant that he assaulted the informant or his family members with any weapon. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 01.03.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)