



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

ANTICIPATORY BAIL APPLICATION NO. 362 OF 2024

ISMAIL ISSAK MANIYAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Zafar M. Pathan, Advocate for Applicant

Mr. S.R. Wakle, APP for Respondents/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21st MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.45/2024, registered with Newasa Police Station, Ahmednagar, for offence punishable under Sections 323, 324, 326, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Amit Ashok Nagare, while he was admitted in hospital alleging that his uncle Shankar Raghunath Nagare and Vajit Jimmakhan Pathan have civil disputes going on between them in respect of Khandoba Temple and Idgah Graveyard. He, therefore, requested Suleman Maniyar to settle the matter as Vajit Pathan is his man. On 15/01/2024, at about 10:30 p.m. when he was returning from his work, Suleman Maniyar, his brother Ismail Maniyar and one unknown person came from behind on motorcycle. Maniyar gave a blow on informant's head with belt by giving abuses. Due to said blow his motorcycle slipped and he fell down.

Then, Suleman, Ismail and unknown person assaulted informant with some iron weapon on middle finger of right hand and near shoulder. He became unconscious.

3. Heard learned advocate for applicant and learned APP for respondents/State. Perused the investigation papers.

4. It is the case of applicant that due to the previous civil dispute applicant is falsely implicated in present crime. Perusal of medical papers confirm the fact that at the time of admission of informant in hospital, history of road traffic accident is given. Injuries suffered by informant also *prima facie* shows that they are out come of road traffic accident.

5. Suleman is arrested and nothing is recovered from him. Investigation is on the verge of completion. Considering these peculiar facts, applicant's custodial detention is not necessary. Application is, therefore, allowed.

6. In the event of arrest of applicant in connection with C.R. No.45/2024, registered with Newasa Police Station, Ahmednagar, for offence punishable under Sections 323, 324, 326, 504, 506 r/w 34 of the Indian Penal Code, applicant be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

7. Applicant shall attend concerned police station from 23rd March, 2024 to 29th March, 2024, everyday between 10:00 a.m. to 02:00 p.m. and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)