



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 ANTICIPATORY BAIL APPLICATION NO. 587 OF 2024

1. Rashid Dawood Pathan
2. Parvez Rashid Pathan
3. Naseer Dawood Khan Pathan
4. Yousuf Yakub Khan Pathan
5. Awez Naseer Pathan
6. Salman Hanif Pathan
7. Hanif Kha Dawood Kha Pathan
8. Aslam Hanif Pathan
9. Arbaz Kha Naseer Kha Pathan ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police
Aurangabad ...Respondents

Advocate for Applicants : Mr. Ghanekar Nilesh S.
APP for Respondents: Mr. P.S. Patil
Advocate to assist the A.P.P. : Mr. Sushant B. Chaudhari

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CORAM : SHIVKUMAR DIGE, J.
DATED : 5th AUGUST, 2024.

PER COURT :-

1. The learned counsel for the applicants submits that during pendency of this application, applicant No.1 Rashid Dawood Pathan, has been arrested by the police. In view of the same, this application is disposed of as infructuous against applicant No.1 Rashid Pathan.

2. In so far as the applicant Nos. 2 to 9 are concerned, they apprehend arrest in connection with crime No. 58 of 2024 registered with Bidkin Police Station, district Aurangabad, for the offences

punishable under Sections 323, 324, 325, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 4 of Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017.

3. It is the prosecution's case that the informant works in Daily Newspaper "Attach Express". On 20.2.2024, when the informant was waiting for his friend near bus stand at Bidkin, at that time, it is alleged that the co-accused Rashid Dawood Pathan and the applicants came there and assaulted the informant on the ground of publishing a news about selling of Gutkha. It is alleged that, due to the said assault, the informant got seriously injured.

4. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The main allegations are against co-accused Rashid Dawood Pathan that he assaulted the informant. No specific allegations are made against the applicants. Learned counsel further submitted that the investigation is completed and the charge sheet has been filed against all the accused persons. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP alongwith the learned counsel to assist the APP that the applicants and co-accused Rashid Dawood Pathan assaulted the informant and in the said assault, the informant sustained grievous injuries. There are specific allegations against the applicants. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. the main allegations are against co-accused Rashid Dawood Pathan and there are no specific allegations against the applicants. The investigation is completed and charge sheet has been filed against the applicants. Considering the allegations against the applicants, their 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 applicants vide order dated 15.04.2024 stands confirmed to the extent of applicant Nos. 2 to 9, on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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