



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO. 887 OF 2024

1. Tosif Khan Mehmud K. Pathan
2. Taukir Khan s/o Mehmud Khan Pathan ...Applicants

Versus

State of Maharashtra ...Respondent

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Advocate for Applicant : Mr. A. L. Shaikh h/f Mr. Mohd Sharef Latif
APP for Respondent: Mr. C. V. Bhadane
Advocate to assist the A.P.P. : Mr. Shaikh Mohd. Naseer A.

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CORAM : SHIVKUMAR DIGE, J.
DATED : 14th AUGUST, 2024.

PER COURT :-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.2. Leave granted. The application to the extent of applicant No.2 is disposed of as withdrawn.
2. In so far as applicant No.1 is concerned, he apprehends arrest in connection with crime No.125 of 2024 registered with Bazarpeth Police Station, Bhusawal, district Jalgaon, for the offences punishable under Sections 326, 323, 504, 506 r.w. 34 of the Indian Penal Code.
3. It is the prosecution's case that on 15.4.2024, around 2.00 p.m. when the informant was standing in front of his house, one truck was

going by the road. The informant stopped the said truck and asked the driver not to take the said truck ahead, as because of the said truck the electric wire of the informant's house would be snapped. It is alleged that at that time the applicant and co-accused came there and assaulted the informant and her husband with steel rod. It is alleged that due to the said assault grievous injury has been caused to the hand of the informant.

4. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. No name of the applicant is mentioned in the F.I.R. The applicant has not assaulted the informant with steel rod. Considering the allegations against the applicant, his 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 A.P.P. that the applicant and co-accused assaulted the informant with steel rod and caused grievous injury to the informant. In the supplementary statement, the informant stated that co-accused Taukir Khan had assaulted the informant with steel rod and the applicant was the part of group which assaulted the informant and her husband. Considering the allegations against the applicant, his 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. It is mentioned in the F.I.R. that co-accused Taukir Khan assaulted the informant with steel rod. In the F.I.R., name of the applicant is not mentioned. In the supplementary statement, the informant has stated that co-accused Taukir Khan Mehmud Khan Pathan had assaulted the informant with steel road. Considering the fact that there are no allegations against the applicant about assault with steel rod on the informant, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to applicant No.1 Tosif Khan Mehmud K. Pathan granted vide order dated 29th May, 2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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