



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

957 ANTICIPATORY BAIL APPLICATION NO. 941 OF 2024

MOHAMMAD YAMIN IRFAN MIRZA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Amol Shivajirao Sawant.

APP for Respondent/State : Mr. P. K. Lakhotiya.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 07th August, 2024.

P.C.:

. The applicant apprehends arrest in Crime No.124 of 2023, registered with Shirpur City Police Station, District Dhule, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2 It is prosecution's case that on 28th March, 2023 at around 06:00 pm, when the informant was present on his shop, at that time, the applicant and co-accused were creating noise in the shop lane of the informant. Hence, the informant and his son tried to convince the applicant and co-accused not to make noise. It is alleged that co-accused assaulted the informant and his son with knife. It is alleged that the applicant assaulted witness Shaikh Faraz Masood with wooden stick on his forehead.

3 It is the contention of the learned counsel for applicant that the applicant has been falsely implicated in this case. Witness Shaikh Faraz in the statement before police has stated that he is not aware as to who has assaulted him. The injury certificate of witness Shaikh Faraz shows that he has suffered simple injuries. Considering this fact, the custodial interrogation of the applicant is not required. Hence, he requested to allow the application.

4 It is the contention of the learned APP that the applicant was part of group, who assaulted the informant and his son with knife with intention to kill them. The applicant assaulted witness Shaikh Faraz with wooden stick on his forehead with intention to kill him. Considering the allegations against the applicant, his custodial interrogation is required. Hence, he requested to reject the application.

5 I have heard both the learned counsel. Perused the FIR and the police papers produced on record. The allegations against the applicant are that he assaulted witness Shaikh Faraz on the forehead with wooden stick. The injury certificate of witness Shaikh Faraz shows that he has suffered simple injuries. The police have recorded the statement of Shaikh Faraz, in which he has stated that he is not aware as to who has assaulted him. Considering these facts, the

custodial interrogation of the applicant is not required. Hence, I pass the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of applicant in Crime No.124 of 2023, registered with Shirpur City Police Station, District Dhule, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 504 and 506 of the Indian Penal Code, he be released on executing personal bond of Rs.20,000/- with one surety in the like amount, on the following conditions:-
 - a) The applicant shall attend the concerned police station as and when required and shall co-operate in the investigation.

[SHIVKUMAR DIGE, J.]

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