



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

978 ANTICIPATORY BAIL APPLICATION NO. 1018 OF 2024

Mohd. Ibrahim Mohd. Hussain

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Tabrezuddin Rahimuddin Quadri
APP for Respondent/State: Ms.R.P. Gaur

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 9th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.541 of 2024 registered with Sadarbazar Police Station, Dist. Jalna, for the offences punishable under sections 143, 147, 148, 327, 323, 324, 504, 506, 149 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 26th May, 2024, the informant lodged the complaint to police alleging that on 25th May, 2024, around 11:30 a.m. to 12 noon, when he was going towards Bus Stand, Jalna, at that time, applicant along with accused no.2 came there and they abused his brother on old dispute. At that time, accused no.2-Tahejib Chaudhary took out sharp knife from his pocket and assaulted on right shoulder and hands of the informant. It is alleged that the applicant assaulted with fist and blows. It is alleged that accused no.2 – Tahejib took out gold ring from the right hand finger of the first informant.

3. It is contention of the learned counsel for the applicant that the allegations against the applicant are that he had assaulted the first informant with fist and blows. Accused no.2 has been released on bail. Main allegations are against accused no.2. Custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is the contention of the learned APP that the applicant along with accused no.2 assaulted the first informant. Accused no.2 has taken out gold ring of the first informant. The learned APP further submitted that the applicant has criminal antecedents and injuries are corresponding with the injury certificates. Custodial interrogation of the applicant is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. In F.I.R. allegations against the applicants are that they assaulted the informant with fist and kick blows. Moreover, injury sustained by the informant are simple in nature. The criminal antecedent of the applicant is of the year 2009. Considering these aspects, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.541 of 2024 registered with Sadarbazar Police Station, Dist. Jalna,

for the offences punishable under sections 143, 147, 148, 327, 323, 324, 504, 506, 149 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga