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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1459 OF 2023

Shahrukh @ Amir Rashid Tadv

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. N. R. Shaikh, Advocate for the applicant
Mr. N. B. Patil, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th JANUARY, 2024

ORDER :

1. Leave to add Superintendent of Police, Jalgaon as party respondent. Amendment to be carried out forthwith.
2. Applicant apprehends arrest in Crime No. 191 of 2022 registered with Savda Police Station, District – Jalgaon for offence punishable under section 307, 324, 323, 337, 143, 147, 149, 504 of the Indian Penal Code and under section 37 (1) (c) and 135 of the Maharashtra Police Act.
3. FIR is lodged by Amir Ramjan Tadv alleging that 29 accused persons assaulted him with sticks, iron rod, bricks and stones. One Sultan Tadv assaulted informant on his head with stick. Brother of informant Murad Tadv was assaulted by Amir

with stick. Stone was thrown at his aunt Dagubai, which hit her nose.

4. Heard learned advocate for applicant and learned APP for State. Perused the papers of investigation.

5. FIR is registered on 28th September, 2022 against 29 accused persons and charge sheet is already filed. Some of the accused persons were arrested. So far as present applicant is concerned, he is named by Dagubai Tadvī in her statement given under section 161 of the Criminal Procedure Code, alleging that he threw stone which hit her nose. However, in her statement given under section 164 of the Criminal Procedure Code, she does not name the applicant.

6. Considering the fact that charge sheet is filed in the present crime and as nothing is to be recovered from applicant, his custodial detention is not necessary.

7. Hence, the present application is allowed by confirming the interim order dated 5th September, 2023. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE