



is order is corrected pursuant to speaking to the minutes order dated 11/11/2024.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1574 OF 2024

**SHAIKH SOHEL S/O SHAIKH MUNSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. N. R. Shaikh, Advocate for the applicant
Mrs. M. L. Sangit, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 24th OCTOBER, 2024**

PER COURT :-

1. This is an example as to how police personnel in order to save their colleagues can sabotage any investigation. Herein this case admittedly, the first informant herein has caused accident. As stated in the first information report his vehicle gave dash to a motorcycle. In the said accident one boy was injured. Though, he is the police personnel, he did not lodge any report in respect of the said accident. Report of the said incident came to be lodged on behalf the victim therein.

2. The informant lodges report after 17 hours of the occurrence of the incident. Needless to say that if a police personnel would not be required to wait in a police station and that his complaint would be recorded immediately unlike experience of the common citizen. Still

unexplained delay is caused in lodging report.

3. Learned counsel for the applicant submits that there is absolutely no evidence to connect the applicant with this crime, however, only for the reason that the applicant is the relatives of the victim in the accident, and in order to harass and to pressurize witness not to pursue complaint, he is falsely implicated in this crime.

4. Learned APP opposed the application by contending that the CDR indicates presence of the applicant at the spot. According to her, this is a case of assault on police personnel and commission of robbery and hence this is not a fit case for grant pre arrest bail. This Court finds its strange when the informant has specifically stated in the first information report that he was assaulted in the said incident and that there was a swelling on his eye. However, there is no injury certificate in the investigation papers. This Court finds substance in the contention of the learned counsel for the applicant that investigating agency was prompt enough to call for CDR's of the applicant, however, did not find time to verify as to whether at the spot of incident i.e. the accident site as well as the place of incident as recorded in FIR, are covered by CCTV or not. In this regard, he drew attention of the Court to the application dated 22nd May, 2024 given by the father of the victim in the case of the accident. Having regard to these facts, this Court has reason to accept

the contention of the learned counsel for the applicant that merely because he is relatives of the victim in the said accident, he is falsely implicated in this crime, to pressurize victim not to pursue the complaint against informant. Hence, the order.

ORDER

(i) In the event of arrest of applicant in connection with Crime No. 260/2024, registered with Cantonment (Chawni) Police Station, Dist. Aurangabad, for the offence punishable under Section 395 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(ii) He shall attend the concerned police station as and when called by the Investigating Officer.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the investigating agency for further investigation.

5. Registrar (Judicial) to send copy of this order to Superintendent of Police, Aurangabad for appropriate consideration.

(R. M. JOSHI, J.)

ssp