



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1580 OF 2024

KALIM HAJI SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
ANTICIPATORY BAIL APPLICATION NO. 1584 OF 2024
MUJAMIL IBRAHIM PATHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. N. B. Narwade, Advocate for applicant
Mr. S. V. Hange, APP for the respondent/State
Mr. Abdulla Peerzade and Mr. Toheed Maniyar, Advocate for respondent
no.3.

CORAM : R. M. JOSHI, J.
DATE : 18th DECEMBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 662/2024, registered with Sangamner City Police Station, Tq. Sangamner, Dist. Ahmednagar for the offence punishable under Sections 352, 351(3), 191(3), 191(2), 190, 189(2), 118(1), 115 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. The first informant Iqbal Shaikh has reported incident occurred on 01/08/2024 in which he was assaulted by the present

applicants and co-accused. It is the case of the informant that he had been to Warpe Hospital, Sangamner for admitting his son who had consumed poisonous substance. It is further stated that at about 08.00 pm applicants came to the said hospital and caused assault on him. There are specific allegations against the present applicants that they assaulted him with iron rod and brick.

3. Learned counsel for the applicants submits that there are disputes between informant herein and his wife. He drew attention of the Court to the report lodged by wife and present informant in respect of the incident occurred in the hospital. According to him it is alleged therein that in fact the informant side caused assault on her and others. It is submitted that the presence of the present applicants is not seen in the said report. Thus, it is his contention that the possibility of false implication is not ruled out. He also argued that in the crime No. 664/2024 an accused granted interim protection from arrest by this Court in Anticipatory Bail Application No. 1938/2024.

4. Learned APP and learned counsel for the informant opposed the applications by contending that there are specific allegations against the present applicants who have caused assault on the informant. Attention of the Court is drawn to the injury certificate which indicates causing of grievous injury to the informant. Learned APP submitted that

since weapons were used in the said assault, their custodial interrogation is necessary.

5. Perusal of the first information report lodged by wife of present informant though indicates that there are some disputes between the parties, however, there is *prima facie* evidence on record to indicate that informant sustained as many as five injuries out of which one injury is grievous in nature. The allegation against the present applicants is that they were aggressors and came to the spot with weapons. This Court, therefore, finds substance in the contention of the learned APP that this is the case wherein the custodial interrogation of the applicants is necessary. Hence, applications stand dismissed.

(R. M. JOSHI, J.)

ssp