

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1784 OF 2024

Abul Hasan Khuram Ali Hashmi

VERSUS

The State Of Maharashtra

WITH

CRIMINAL APPLICATION NO. 4368 OF 2024

IN ABA/1784/2024

Umar Khan Iliyas Ahmed Khan

VERSUS

Abul Hasan Khuram Ali Hashmi And Another

- Mr. M. L. K. Pathan, Advocate for the Applicant
- Mr. P. K. Lakhotiya, APP for the Respondent/State
- Mr. P. H. Patil a/w Mr. S. P. Bakariya i/by Mr. M. D. Gitte, Advocate for the Informant

CORAM : R.M. JOSHI, J

DATE : OCTOBER 21, 2024

PER COURT :

1. Criminal Application No. 4368/2024 is filed by the informant to assist APP.
2. Having regard to the nature of offense, application is allowed. He is permitted to assist APP.
3. Learned Counsel for the Applicant submits that as reflected in the FIR there is dispute between the informant and family of the Applicant. It is his submission that there is no whisper in the order of the Additional Sessions Judge rejecting anticipatory bail

as to the injuries caused to the informant. He has placed on record copy of the papers pertaining to the Government Hospital, which according to him are received by him during the course of hearing before learned Additional Sessions Judge, which do not indicate any causing of any injury to the Informant. Thus, it is his case that this is the case of false implication and an offence under Section 109 of the Bharatiya Nyaya Sanhita is not made out.

4. Learned Counsel for the Informant submits that there are as many as 9 offences registered against the Applicant and hence, this is not the case for grant of interim protection.

5. At this *prima facie* stage, there is material on record in the form of FIR to indicate that there are disputes between informant and family of the Applicant. Apart from this, the order passed by the learned Additional Sessions Judge does not make any mention about any injury being caused to the Informant.

6. Having regard to these facts, possibility of false implication is not ruled out. Hence, till the

prosecution is heard in the matter liberty of the Applicant is protected. Hence, the order:

O R D E R

- (i) Issue notice to the Respondents, returnable on 19.11.2024. Learned APP waives service of notice on behalf of Respondent.
- (ii) Till next date, in the event of arrest of the Applicant in connection with C.R. No. 480/2024 registered with Cantonment Police Station, Dist. Aurangabad for the offences punishable under Sections 109, 126(2), 115(2), 351(2), 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iii) He shall attend the concerned police station as and when required.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

7. Learned APP to communicate this order forthwith to concerned police station.

(R.M. JOSHI, J.)