



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2086 OF 2023

Salman S/o Hakim Patel ... Applicant

VERSUS

The State Of Maharashtra
and another ... Respondents

.....
Mr. M.R. Deshmukh, Advocate for the Applicant
Mr. S.B. Jadhav, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.190 of 2023 registered with Pishor Police Station, District Aurangabad for offences punishable under sections 143, 323, 341, 535, 427, 504, 504 of the Indian Penal Code.

2. FIR is lodged by Police Head Constable Parmeshwar Sahebrao Darade stating that, on 29.05.2023 at about 3.00 p.m., A.P.I. Smt. Shinde received a phone call from village *Mauje* Shelgaon, Taluka Kannad, District Aurangabad that there was a fight between people belonging to two different communities. Informant, P.S.I. Smt. Shinde, Head Constable Bhivsane and Police Constable Patil rushed to the village in a Government vehicle. When they reached near a mosque at

village Shelgaon, they found that some persons were injured, they intervened and tried to take the injured persons in the official vehicle, for medical treatment. At that time, 13 accused persons stopped the police vehicle stating that people from their community are also injured. They obstructed the police vehicle from going towards hospital. Some of the accused persons also manhandled Police Head Constable Bhivsane and pulled him down. Abdul Karim Patel instigated others to beat police persons. Shahid Patel pushed P.S.I. Smt. Shinde. Accused persons used filthy language to abuse Police Officers. Though police requested accused persons not to interfere in the public duty being discharged by them, accused threatened them to kill. Therefore, additional staff was called. At that time also, accused persons pulled Police Head Constable Dakale out of the vehicle.

3. Heard learned advocate for applicants and learned APP for respondent – State. Perused the investigation papers.

4. Two separate FIRs were registered by both the communities about incident dated 29.05.2023. With the intervention of elders, both the communities have amicably settled their dispute and have approached this Court with a prayer for quashing of FIRs registered against each other.

Division Bench of this Court, on 19.08.2023, passed the order in Criminal Application Nos 2661/2023, 2785/2023, 2751/2023, 2750/2023 and 2876/2023, thereby quashing the FIRs registered by both the communities against each other.

5. Perusal of the present FIR shows that there is no specific overt act is attributed to applicant. Though section 143 of the Indian Penal Code is invoked, still considering peculiar facts of the present case, custodial detention and/or interrogation of applicant is not warranted in the present case. The investigation appears to be almost complete, and nothing is to be recovered from the applicant. In that view of the matter, the application deserves to be allowed.

6. Application is allowed by confirming the interim order dated 20.12.2023.

7. Till filing of the charge sheet, applicants to attend the concerned police station as and when called by the Investigating Officer, and co-operate in the investigation. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane