



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

949 ANTICIPATORY BAIL APPLICATION NO. 1464 OF 2024

Kamil Kha @ Kalu Ibrahim Kha Pathan

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Ms. Akanksha Sagar Killarika h/f Mr. Kazi Rahil
Riyazoddin

APP for Respondents-State: Mr. S. K. Shirse

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 12, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.328/2024, dated 02/07/2024, registered at Amalner Police Station, District Jalgaon, for the offences punishable under sections 309 (6), 296, 189(2), 191(2), 191(3), 126(2), 324(4) of the Bharatiya Nyaya Sanhita, 2023.
3. This Court, by order dated 26/08/2024, granted interim protection to the applicant. The learned Counsel for the applicant submits that the applicant has cooperated with the investigation.
4. The case against the applicant is that, on the night of 01/07/2024, while the informant was passing by KGM Shop on a motorcycle, the applicant and the co-accused intercepted him and started abusing him. Thereafter, all the accused allegedly assaulted the informant with

punches and kicks. It is further alleged that his gold chain was snatched, and a cash amount of Rs.5,600/- was robbed from his pocket.

5. The learned Counsel for the applicant submits that no specific role has been attributed to the applicant by the informant. He further contends that three accused persons were arrested in the matter, but no recovery was made at their behest. *Per contra*, the learned APP submits that the informant's statement has been recorded.

6. In the said statement, the informant claimed that he sustained injuries, however, there is no medical report to substantiate this claim. Considering the statement of the informant, the absence of any specific role attributed to the applicant, and the lack of an injury certificate, the allegations remain uncorroborated.

7. Considering that the applicant has cooperated with the investigation in pursuance of the order passed by this Court, the interim protection granted to the applicant is confirmed.

8. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.328/2024, dated 02/07/2024, registered at Amalner Police Station, District Jalgaon, for the offences punishable under

sections 309 (6), 296, 189(2), 191(2), 191(3), 126(2), 324(4) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.