



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

927 ANTICIPATORY BAIL APPLICATION NO. 1442 OF 2024

ALTAF SHAFI SAYYED

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. G. R. Syed
APP for Respondent/State: Mr. N. B. Patil

...

WITH

...

CRIMINAL APPLICATION NO. 4140 OF 2024

IN

ABA/1442/2024

IMRAN MOHAMMAD SHAFI SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Gandhi Amol Subhash
APP for Respondent/State: Mr. N. B. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.01.2025

P.C. :

1] Heard learned counsel for the applicant,
learned APP for the respondent-State and learned counsel
for Assist to Public Prosecutor.

2] The application for assist to public prosecutor is
allowed.

3] The applicant is apprehending arrest in connection with Crime No.637/2024, registered at Bhingar Camp Police Station, District Ahmednagar, for the offences punishable under Sections 105 and 125 of the Bhartiya Nyaya Sanhita.

4] This court by order dated 22.08.2024 has granted interim protection to the applicant.

5] The case against the applicant is that he had made an underground water tank adjacent to his house and failed to cover it. The informant's son, aged 3 years, while playing into the compound has fallen into the tank and has passed away. As such, the offence is registered against the applicant under the above sections.

6] The learned counsel for the applicant submits that the act is not deliberate one. There was some error i.e. the cover was broken. The applicant's custodial interrogations would not be required; as he has cooperated with the investigation and that there is no grievance as regards the cooperation by the informant. So also, the applicant has followed the conditions directed therein.

7] Considering the facts of this case, as no further custodial interrogation would be necessary of the applicant, the interim protection granted by order dated 22.08.2024

stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] 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.

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

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

9] 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.

10] The anticipatory bail application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE