

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders or Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 15 OF 2015

SHAIKH ARSHAD S/O SHAIKH FATRU AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Choudhari N. L.
APP for Respondent: Mr. A. V. Deshmukh.

CORAM: T. V. NALAWADE, J.
DATED: 21st JANUARY, 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by Shaikh Taufik. Incident in question took place on 8th August, 2014 at about 09.00 p.m. He has made allegations that the present applicants and their associates picked up quarrel with him and they assaulted him by using weapon like Chopper. According to him, applicant Shaikh Kaisar, Shaikh Saddam and Shaikh

Azeem used Choppers and Shaikh Rashid used iron bar and due to that he received injuries. It is contended that when his relatives came to rescue him, they were also assaulted. There are statements of injured witnesses.

3. Learned counsel for the Applicant took this Court through the first statement of the injured complainant recorded on 10th August, 2014. He had contended that weapons like hockey stick and wooden log were used to assault him and others were assaulted by sharp edged weapons. This Court has gone through the injury certificates which show that complainant sustained fracture on left scapula, Shaikh sustained crush injury on right hand thumb, Shaikh Rashid sustained fracture injury on radius, ulna, Shaikh Rafiq sustained fracture on metacarpal bone of left hand. The injuries are described as grievous injuries but the description shows that hard and blunt object was used. In both the reports, motive is given and it is contended that they were angered as complainant was sitting in the shop situated in front of their house.

4. Submissions made show that the applicants are behind bars since 30th October, 2014. Learned A.P.P. submitted that one accused is absconding and bail

should not be granted to the applicants. This cannot be a reason for refusing bail to the applicants. They are behind bars for sufficient period. Now, it is not certain as to when the trial court will be completing the case. This Court holds that though the case is filed for offence punishable under section 307, 149 of I.P.C. the Applicants need to be released on bail.

5. In the result, the applications are allowed. The applicants are to be released on bail on each of them furnishing P.R. and S.B. of Rs.15,000/-. They are not to tamper with the prosecution witnesses. They are not to commit similar offence. They are not to go to the vicinity of the complainant and witnesses till the disposal of the case.

[T. V. NALAWADE, J.]

Dt.21/01/2015
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