

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

Criminal Application No.91 of 2015

Wasim Shaikh s/o Gulam Mohammad
And Others.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Rajendrraa Deshmukkh, Advocate, for applicants.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent.

Shri. Joydeep Chatterji, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 21st JANUARY 2015

ORDER:

1) The application is filed for the relief of bail.
Both the sides are heard. This Court has perused the
papers of investigation.

2) Crime is registered on the basis of report given
by one Shaikh Amir. There is some dispute over
possession of agricultural land. Allegations are made that
on 27-11-2014 at about 4.00 pm when he along his son

were cutting branches of tree, the applicants and others came there and they picked up quarrel. Allegations are made that during quarrel accused Wasim Shaikh gave blow of chopper on head of Ansar and Shaikh Maheboob gave blow of chopper on the head of Afroz, nephew of the complainant. Allegations are made that during incident mobile handset of Rs.16,000/- was also taken away. And nephew Afroz lost his gold chain in the incident.

3) This Court has seen the injury certificates. Injury certificate in respect of Sk. Ansar and Sk. Afroz show that both of them sustained injuries on head portion, occipital parietal region, injury was bone deep. The injuries were described as simple when the certificate was issued on 28-11-2014. There is nothing on record to show that any grievous injury was sustained. The crime is registered for offences punishable under sections 307, 326, 392, 149 of the Indian Penal Code.

4) In view of nature of dispute this Court holds that it is not desirable to keep the applicants behind the bars. They are behind the bars since 28-11-2014. Learned

APP submits that as against Shaikh Maheboob one more crime under section 307, IPC is registered. Copy of FIR is produced and it shows that out of some dispute with the wife, FIR was given. Initially different version was given by the wife but later on allegations were made that he administered poison.

5) In view of nature of dispute this Court holds that it is not desirable to keeping the applicants behind the bars. It is not certain as to how much time will be required to decide the case.

6) In the result, the application is allowed. All the applicants are to be released on bail in Crime No.212/2014 registered in Pachora Police Station, District Jalgaon for offences punishable under sections 307, 326, 392, 323, 324, 504, 506, 143, 147, 149, 427 of Indian Penal Code on their furnishing PR and SB of Rs.15,000/- by each of them. They are not to tamper with prosecution witnesses. They are not to commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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