

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 and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO.: 542 OF 2015
SHAIKH KHAYYUM S/O KHAJA MIYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

WITH
APPLN/704/2015
IN
APPLN/542/2015
SHAIKH MAHAMMAD SHAIKH HUSAIN
VERSUS
1 SHAIKH KHAYYUM S/O KHAJA MIYA & ORS

Advocate for Applicants : Mr. R. S. Deshmukh.
 APP for Respondent State: Mr. N. B. Patil.
 Advocate to assist APP: Mr. Mayur Salunke, Advocate h/f
 Mr. V. D. Salunke.

CORAM: T. V. NALAWADE, J.
DATED: 23rd FEBRUARY, 2015.

PER COURT:

1. This application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation, which include injury certificates in respect of two injured persons.
2. Learned counsel for the Applicants submitted that there was previous enmity between the side of applicants

and the complainant side. The incident in question took place on 7th January, 2015 after 08.00 a.m. Complainant Shaikh Mohammad has made allegations that the present applicants came there and they were holding stick, sword, iron rod etc. and all of them assaulted him by using those weapons and caused fracture injuries to his right hand. He has made allegations that his father was also assaulted and he was also injured.

3. The injury certificates show that complainant sustained 3 CLW, 3 contusion, and remaining 2-3 abrasion injuries. It appears that he sustained fracture injury to both the hands. Specific allegations are not made as to who caused fracture injuries and he has made allegations against all the applicants. Applicant No.1 is father of Applicant Nos.2 to 4 and Applicant No.5 is nephew of the Applicant No.1. On motive, there is no specific allegations made in the F.I.R. and it is only contended as previous enmity. The father sustained only one contusion injury. The complainant was in-door patient from 7th January, 2015 to 19th January, 2015 and F.I.R. was given on 9th January, 2015. Crime is registered for offence under section 326, 149 etc. of I.P.C.

4. In view of nature of material collected against the applicants, the motive given, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. They are behind bars since 10th January, 2015.

5. In the result, the application is allowed. The applicants are to be released on bail on their furnishing P.R. and S.B. of Rs. 15,000/- by each of them.
6. 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 business and also residential place of the complainant and his father.
7. Criminal Application No.704 of 2015 seeking permission to assist learned A.P.P. is allowed and disposed of.

[T. V. NALAWADE, J.]

Dt.23/02/2015
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