

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1960 OF 2015**[Salim Bandubhai Shaikh (Batgwan) and ors. Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri N.S.Ghanekar, advocate for applicants
Smt. P.J.Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 23rd April, 2015****PER COURT :-**

1] This is an application for anticipatory bail, since the applicants apprehend their arrest in connection with Crime No. 48 of 2015, for the offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code, registered with Pachod Police Station, District Aurangabad.

2] I have heard Shri N.S.Ghanekar, learned counsel for the applicants and Smt. P.J.Bharad, learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged by Laxman Namdeo Shelke. He is having a hotel at Pachod bus stand. On 28.3.2015 at 9.20 in the morning, a bus came at Pachod bus stand. That time the present applicants, who run a juice center and work on the said center, tried to make entry in the said bus when the passengers of the said bus were alighting from the said bus. That time, the first informant asked the present applicants that they should allow the passengers to alight themselves and thereafter they should take entry in the bus in order to have their business, upon that he was assaulted by means of a tray which was in their hand.

4] The learned Additional Public Prosecutor has made available to this court the injury certificate, which shows that there are three abrasions and one injury 3 cm. x 2 cm. on the left hand, which according to the doctor is a grievous injury. It appears that the injury is caused due to tray which was in the hand of the applicants who were trying to sell the juice to the passengers.

5] In that view of the matter and looking to the fact that the incident has occurred in a spur of moment and at no point of time prima facie it appears that there was any intention on the part of the present applicants to cause any injury to the first informant. Hence, I pass following order.

O R D E R

- (i) The application is allowed.
- (ii) In the event of their arrest, in connection with Crime No. 48 of 2015, for the offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code, registered with Pachod Police Station, District Aurangabad, the applicants No.1-Salim Bandubhai Shaikh (Bagwan), No.2- Rafiq Shaikh Bandubhai Shaikh (Bagwan), No.3-Irfan Ibrahim Sayyed, and No.4-Ajju @ Azar Tajoddin Sayyed, be released on anticipatory bail on they each executing P.R. bond in the sum of Rs.5,000/- with one solvent surety of like amount.
- (iii) The applicants shall attend police station Pachod once a week, preferably on every Sunday in between 4.00 p.m. to 5.00 p.m. till charge sheet is filed.
- (iv) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)