

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2961 OF 2015**[Babalal s/o Chand Qureshi and others 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 A.K.Bhosale, advocate for the applicants
Shri U.S.Mote, A.P.P. for respondent/State
Shri B.N.Magar, advocate for first informant

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CORAM : V.M.DESHPANDE, J.**DATED : 29th June, 2015****PER COURT :-**

1] This is an application for anticipatory bail since the applicants are apprehending their arrest in connection with Crime No.97 of 2015, registered with Satara police station, Aurangabad, for the offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] I have heard Shri A.K.Bhosale, learned counsel for the applicant, Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State and Shri B.N.Magar, learned counsel for the first informant.

3] At the out set, Shri Bhosale, learned counsel would submit that he wish to withdraw application for anticipatory bail on behalf of applicant no.1-Babalal s/o Chand Qureshi. Prayer accepted. Application for anticipatory bail filed on behalf of applicant no.1-Babalal s/o Chand Qureshi is hereby rejected as withdrawn.

4] Mosin, the injured, has lodged first information report with police station Satara, Aurangabad. The first information report would reveal that matrimonial dispute with his wife is

going on since last 3 years. On 13.5.2015 when he was proceeding to his house from Kanchanwadi near his house Babalal s/o Chand Qureshi (applicant no.1), Nijam s/o Chand Qureshi (applicant no.2) and Najim s/o Nijam Qureshi (applicant no.3) picked up quarrel with Mosin and according to the first information report, in that quarrel applicant no.2 Nijam and applicant no.3 Najim gave fist blows, however, at the same time applicant Babalal gave the sword blow on Mosin resulting into three injuries. The first information report is, therefore, completely silent about any overt act against applicant nos. 2 and 3 for which the custody of the applicants would be necessary. Further, according to the investigation papers, the statement of one Fayyaz is recorded, however, he is also not taking names of applicant nos. 2 and 3.

5] Looking to the nature of accusations made against applicant nos. 2 and 3 that they have given only some fist blows, which has not caused any injury to the first informant, their custodial presence is not at all warranted. That leads me to pass following order.

ORDER

- (i) Criminal Application No. 2961 of 2015 is partly allowed.
- (ii) Criminal Application filed by applicant no.1- Babalal s/o Chand Qureshi is hereby dismissed as withdrawn.
- (iii) Criminal Application filed by applicant no.2- Nijam and applicant no.3-Najim is allowed.
- (iv) Applicant no.2-Nijam and applicant no.3- Najim, in the event of their arrest, in connection with Crime No.97 of 2015, registered with Satara police station, Aurangabad, for the offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code, be released on

anticipatory bail on they each executing P.R. bond of Rs.5,000/- with one solvent surety in the like amount by each of them.

(iv) Applicant no.2-Nijam and applicant no.3-Najim shall not extend any threat to the first informant.

(v) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2961.15