

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3908 OF 2015.

AMJAD KHAN S/O RAUF KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.131 Of 2015 registered with Police Station, Hingoli (City), District - Hingoli for the offences punishable under Section/sanda Sanja. 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

[2] Heard Mr. Shaikh Mazhar A. Jahagirdar, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the Respondent - State of Maharashtra.

The learned Additional Public Prosecutor has vehemently opposed the application. One of the bone of his contention is that the investigation is in progress. Offence is very serious, therefore, Application be dismissed.

[3] First Information Report is lodged by Ganesh Suresh Darade. The First Information Report disclosed that, first informant and his friends were assaulted by the present Applicant and other accused persons during the quarrel that occurred on account of taking admission at one College – Aadarsha College, Hingoli. From the First Information Report, it is clear that the first informant was assaulted by means of dagger by co-accused Javed. No role is ascribed to the present Applicant that, he has made any assault on the first informant. Role attributed to the present Applicant is that, he alongwith one Samirkhan has assaulted Vivek Bangar by means of iron road and caused injury near right eye of Vivek.

[4] With the help of learned Additional Public Prosecutor, I have gone through the injury certificate. There is one injury near right eye of Vivek. The learned Additional Public Prosecutor pointed out to this court the statement of Vivek. In his statement, he is not taking the name of present Applicant. On the contrary, he is very specific that he was assaulted by Ranvir Tak. Further as per the prosecution case, Vivek was assaulted by present Applicant by means of iron rod, however, statement of Vivek would reveal that he was assaulted by Ranvir Tak by means of hockey stick.

[5] The learned counsel for the Applicant pointed out that, on 22th July, 2015 the learned trial court has already released Samir Khan on bail.

[6] Looking the the fact that injured Vivek for whom the present Applicant is said to be assailant is not taking the name of present Applicant and co-author of injury of Vivek is already released

on bail. Merely, because charge sheet is not filed, on that count, personal liberty of the present Applicant cannot be curtailed. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - AMJAD KHAN S/O RAUF KHAN PATHAN shall be released on regular bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.131 Of 2015 registered with Police Station, Hingoli (City), District - Hingoli for the offences punishable under Section/s. 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

(ii) Bail before trial court.

(iii) The Applicant shall attend the Police Station, Hingoli (City), District – Hingoli once in a month, preferably on Sunday, between 3.00 p.m. to 5.00 p.m, till Charge is framed.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)