

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**Criminal Application (BA) No. 797 of 2015**  
**Shaikh Wasim v. The State of Maharashtra**

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

Court's or Judge's orders.

Mr T. U. Tathod, Advocate for applicant  
Ms Mayuri Deshmukh, APP for respondent-State

**Coram: V. M. Deshpande, J**  
**Date : 27<sup>th</sup> October 2015**

1. Heard Mr T. U. Tathod, learned counsel for the applicant and Ms Mayuri Deshmukh, learned Additional Public Prosecutor for respondent-State.

2. From the charge-sheet, it is clear that there was no intention on the part of present applicant to make any murderous assault on the injured Riyaz. The First Information Report itself shows that a quarrel was going on in between the maternal uncle of the first-informant, applicant and other co-accused. That time, when he tried to intervene, as per the prosecution case, he was assaulted by means of sword. In fact, this aspect, in my view, is correctly noted by the Court below though the application of the applicant was rejected. Secondly, while rejecting the bail application, the learned Judge has directed the prosecution to examine material witnesses within two months from the date of order i.e. 11.9.2015. However, as on today, no charge is framed by the learned Judge below before whom the trial is pending, is a statement made by learned counsel for the applicant. Statement accepted.

3. The injured was admitted in the hospital on 9<sup>th</sup> March 2015 i.e. on the date of incident and is discharged from the hospital on 11<sup>th</sup> March 2015. Since the injured is already discharged, there is little possibility of the present crime being converted into more graver one.

Looking to the aspect that the charge is not yet framed and the applicant is in jail since last seven months, in my view, applicant deserves to be released on bail. Hence, the following order :-

**ORDER**

- I. Application is allowed.
- II. Applicant Shaikh Wasim Shaikh Raheman be released on bail in connection with Crime No. 63/2015 registered with Police Station, Warud, District Amravati for the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code and Sections 4 & 25 of the Arms Act on he executing PR Bond of Rs. 25,000/- with one solvent surety in the like amount.
- III. Bail before the trial Court.
- IV. Applicant shall attend Police Station, Warud once in a week i.e. on every Tuesday in between 03.00 and 05.00 pm till the culmination of trial.
- V. Applicant shall not cause any threats to the first-informant or any other prosecution witnesses.
- VI. With this, application is allowed and disposed of.

**Judge**

