

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4291 OF 2016

Shaikh Jalil S/o Shaikh Gani,
@ Papa Ganu Qureshi,
Age : 47 Years, Occ. : Labourer,
R/o Qureshi Mohalla, Nandurbar,
Dist. Nandurbar.

... APPLICANT.

VERSUS

The State of Maharashtra,
Through the Nandurbar Police Station,
Tq. Nandurbar, Dist. Nandurbar.

...RESPONDENT.

. . .
Advocate for Applicant : Mr. Pandurang M. Gaikawad.
APP for Respondent/State : Mrs. V. N. Patil (Jadhav).

. . .

CORAM : A. M. BADAR, J.

DATE : 24th AUGUST, 2016.

PER COURT :

1] Heard. The learned APP opposed the application by contending that two injured were assaulted by sword by the present applicant. The learned APP further argued that, accused person including present applicant were member of unlawful assembly which indulged in rioting.

2] Perused the F.I.R. as well as papers of investigation including injury certificate of informant Shaikh Asapak and injured Shaikh Mustaq. Though, averments in the F.I.R. are to the effect that, the present applicant assaulted informant Ashfaq and his

brother Mustaq by means of a sword, both these injured had suffered simple injury. No tangible material is in the case diary to reflect the offence punishable under Section 326 of the IPC.

3] Prima facie, the offence if any which can be made out appears to be bailable though the investigator has alleged commission of offence punishable under Section 326 of the IPC. Hence the order :-

ORDER

- i) The present criminal application is allowed.
- ii) in the event of his arrest, in crime no.14/2016, registered at Nandurbar (City) Police Station, Dist. Nandurbar, for offences punishable under Sections 143, 147, 148, 149, 326 and 323 of IPC and under Section 4/25 of the Arms Act, applicant / accused be released on bail on his executing P.R. Bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) and on furnishing surety of the like amount.
- iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iv] The applicant shall not tamper with the prosecution evidence.

v] The applicant to attend concerned police station on 28th August, 2016 and 4th September, 2016 in between 11:00 a.m. to 1:00 p.m. and he shall cooperate the Investigating Officer in investigation of the crime in question till filing of the charge-sheet.

vi) Issue notice to the Superintendent of Police, Nandurbar and the learned Public Prosecutor. Learned A.P.P. waives service of notice.

vi] The Criminal Application stands disposed of in the aforesaid terms.

**[A. M. BADAR]
JUDGE**