

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

18 CRIMINAL APPLICATION NO. 1153 OF 2017

FURKAN S/O SHAKIL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent : Mr. V.S. Badak
...

CORAM : T.V. NALAWADE, J.
DATED : 15th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard.

2. The applicant is behind bars since 17.1.2017 in Crime registered for offences punishable under sections 307, 326, 149, 120-B etc. of Indian Penal Code. The incident in question took place on 13.10.2016 at about 23.00 hours. The complainant and his friends Akash, Ajay and Majoj were present at the spot of offence. Allegations are made that first, one Shabir Shaikh went there and he started questioning them as to why they had posted objectionable material about Muslim religion on Facebook. When quarrel started others came there, who include present applicant Furkan. Allegations are made against the present applicant that he was holding a sword and by using

sword, he gave blows to Akash Nistane and when Ajay intervened, he was also assaulted. There are injury certificates. The learned APP submitted that the injury certificate of City Care Hospital shows that one injury is described as grievous. The description of the injury does not show as to why the injury is described as grievous.

3. The applicant is behind bars for about two months. Considering the reason behind the incident and the circumstance that applicant has no bad antecedent, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case, which may be filed against him.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs.25,000/-. He is not to tamper the prosecution witnesses.

[T.V. NALAWADE, J.]

ssc/