

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 CRIMINAL APPLICATION NO. 1340 OF 2017

RUMSHADBEE W/O. GAFOOR KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. A.L. Kanade, Advocate, for applicants.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 29 March 2017

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard.

2) The crime is registered on the basis of report given by Arshad Khan son of applicant No.1 for offences punishable under section 307, 34 of the Indian Penal Code. He has made allegations against applicant No.1, who is his mother, applicant Nos.2 and 3 who are his sisters, applicant No.4 who is husband of applicant No.2 and applicant No.5, who, according to the complainant, is

friend of other applicants that in the incident dated 6-2-2017 which took place at 11.30 hours he was assaulted by knife. Specific allegations are made against applicant Nos.4 and 5 that they gave blows with knife on his shoulder and neck and one bottle was also hit and broken on his head and due to that he sustained injuries. Allegations are made against his mother and sisters that they had held him when the other applicants were assaulting him.

3) This Court has carefully gone through the M.L.C. The M.L.C. shows two C.L.Ws. One C.L.W. was over left parietal region and the other was on left forearm. There was blunt trauma over abdomen and chest. The injuries sustained were simple in nature. The learned Additional Public Prosecutor submitted that the doctor has given opinion that surgery will be necessary in respect of the injuries though they were simple in nature and so the crime was registered for offence under section 307 of the Indian Penal Code.

4) The submissions made show that there is some civil dispute between the present applicants on one side and the complainant and his father on the other. It appears that present applicant are in possession of the disputed house property and due to that there is dispute. Even the civil court has granted relief of injunction in their favour. In the past also complaint was given against the present applicants for offences punishable under sections 420, 467 etc. of the Indian Penal Code and in that case the Court had granted relief of anticipatory bail by order dated 6 February 2017 (Criminal Application No.621 of 2017). It appears that immediately after granting of relief in the previous application the new crime came to be registered. Considering the nature of injuries which are described in the M.L.C. this Court holds that protection needs to be given to the applicants.

5) In the result, the application is allowed. In the event of arrest in connection with Crime No.I-33 of 2017 registered in Jinsi Police Station Aurangabad for offences punishable under sections 307, 143, 147, 149 etc. of the Indian Penal Code the applicants are to be released on

bail on their furnishing P.B. and S.B. of Rs.15,000/- by each of them. The applicants are not to tamper with prosecution witnesses. They are not to commit similar offence. Applicant No.4 Wasim Bagwan and applicant No.5 Shaikh Mushtaq are to attend the concerned police station on coming two Sundays between 9.00 a.m. and 12.00 noon and they are to cooperate police during investigation.

Sd/-
(T.V. NALAWADE, J.)

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