

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

CRIMINAL APPLICATION NO.1410 OF 2017

Abdul Majid Khan s/o. Mohd. Farroq Khan .. Applicant
Age. 28 years, Occ. Business,
R/o. Indira Nagar, Baijipura,
Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.Nilesh Ghanekar, Advocate for the applicant.
Mr.A.R. Borulkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 12.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. The papers of investigation are made available to this Court. The statement is made by the learned Counsel for the applicant that this is the first application filed for bail in this Court.

2. The crime is registered on the basis of report given by one Imtiyaz Ahmed vide C.R.No.20 of 2017 with

Jinsi Police Station, Aurangabad, for the offences punishable under sections 307, 324, 338, 504 read with section 34 of the Indian Penal Code.

3. The applicant, his relatives and associates were angry with the complainant as the complainant has done some kitchen trolley work at low cost. The allegations are made that on 24.01.2017 at about 10.00 p.m. the applicant and three persons intercepted the complainant and started questioning as to why he had done the work at low cost and the applicant assaulted him by using iron rod. The allegations are made that one blow was given on the head and other blow was given on right leg and knee. In view of that fracture injury is caused to his right leg. The allegation made is that Mohammad Ismail tried to finish him, but thereafter he ran away.

4. This Court has gone through the M.L.C., which was prepared on same day. It shows that three injuries were noted. One injury was on parietal region and one injury was on right leg and the patient was referred for surgery. There is record of Government Medical College, Aurangabad, showing that the patient was indoor patient from 24.01.2017 to 01.02.2017 as he had fracture of patella right side and burst compression fracture of D12 vertebra.

5. The applicant has been behind the bar since 17.02.2017. It is not certain how much time will be required for disposal of the case, which may be filed against the applicant.

6. In view of the aforesaid circumstances, this Court holds that it is not desirable to keep the applicant behind the bar till disposal of the case. However, care needs to be taken that some amount is kept in the Court, so at the end of the Trial, the Court shall be in a position to give an amount as compensation to the complainant.

i. In the result, the application is allowed.

ii. The applicant – Abdul Majid Khan s/o. Mohd. Farroq Khan, be released on bail, in connection with Crime No.20 of 2017, registered with Jinsi Police Station, Dist. Aurangabad, for the offences punishable under sections 307, 324, 338, 504 read with 34 of the Indian Penal Code, on his furnishing PR & SB 50,000/- (Rupees Fifty Thousand) with one or more solvent sureties in like amount.

iii. He is to be released only after depositing Rs.1,00,000/- (Rupees One Lakh) in the concerned Court by the mode permissible in law, which is to be treated as cash security. This shall be additional amount for getting bail.

iv. He is not to tamper the prosecution witnesses and he is not to commit similar offence.

[T.V. NALAWADE, J.]