

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

CRIMINAL APPLICATION NO. 2440 OF 2017

Mohammad Afroz Mohammad Khaja ... **Applicant**
Age 26 years, Occu: Service,
Near Mansoor Khan Ki Haveli
Mandhai, Tq. & Dist. Nanded

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Station Officer,
Nanded Rural Police Station,
Nanded, Dist. Nanded

Mr. Mr. Niteen V. Gaware, Advocate for the applicant
Mr. A. A. Jagatkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 8th June, 2017

ORDER:

1. Heard Mr. Gaware, the learned counsel for the applicant and Mr. Jagatkar, learned APP for the State.

2. Present Criminal Application is filed for grant of anticipatory bail in connection with Crime No. 05/2017 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under sections 307, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and under section 4/25 of the

Arms Act.

3. Complainant Shaikh Mujahid lodged complaint with the Nanded Rural police Station alleging that on 01.01.2017, brother of the complainant Javed informed him that the applicant and other accused persons have devastated the Complex of Samtanagar. The complainant went there. It is further alleged that the accused have assaulted him by means of sword which hit his right hand.

4. It is stated by Mr. Gaware, the learned counsel for the applicant that on the basis of the complaint given by the present applicant against the complainant and others, an offence is registered against them under sections 143, 329, 504, 506 of the Indian Penal Code. According to Mr. Gaware, subsequently, after two days, the informant has lodged the complaint and its contents are absolutely after thought to give counter blast to the FIR lodged against the complainant and others.

5. On perusal of the contents of the FIR, it

appears that complainant Shaikh Mujahid alleged that the present applicant has, with an intention to commit murder of the complainant, assaulted the complainant by means of sword and due to the assault, he had received grievous injury between thumb and index finger and four stitches were given during medical treatment. In the light of this specific allegation against the present applicant, I have perused the injury certificate of the complainant which shows that he had received simple injury due to the hard and blunt object i.e. 3x2x1 cm. Medical evidence of the injury is contrary to the version narrated by the complainant in the FIR. In such circumstances, it is impossible to believe that the applicant has used sword while assaulting the complainant.

6. Considering the facts and circumstances of the case, I am of the opinion that the applicant can be released on anticipatory bail by putting certain conditions. Hence following order.

O R D E R

(1) In the event of arrest of applicant in connection with Crime No. 05/2017 registered with Nanded Rural Police Station, Dist. Nanded, he shall be released on bail on his executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only] with one solvent surety in the like amount.

(2) The applicant shall not tamper with the prosecution evidence and shall cooperate with the further investigation.

7. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC