

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

CRIMINAL APPLICATION NO. 2789 OF 2017

Abdul Raheman s/o Abdul Masood ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. M.K.Deshpande, advocate for the applicant

Mr. K.N.Lokhande, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 30th JUNE, 2017

O R D E R :

Heard Mr. Deshpande, learned counsel for the applicant and Mr. Lokhande, learned A.P.P. for the respondent.

2. Perused the contents of the first information report, from which it appears that in the night of 18.2.2017 the accused persons namely Nasser Khan and present applicant along with other accused surrounded informant Sultan Ali Bin Hawel and accused Nasser Khan told the informant that his brother Ajij Khan suffered with heart attack on account of his activities, so also as to why brother of the informant is deposing against them

in a murder case. Nasser Khan was having sword in his hand and with intent to kill he gave blow of sword on the head of informant and he received injuries. The present applicant namely Abdul Raheman assaulted the informant by knife and he attempted to assault the informant by knife on the stomach, however, the informant caught hold, therefore, he received injuries on his left hand fingers and palm.

3. On the basis of above information, the offence came to be registered against the applicant and others as Crime No.56 of 2017 at Jinsi police station, District Aurangabad for the offence punishable under Section 307 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.

4. The papers of investigation are made available. From perusal of the specific averments in the first information report, it appears that it is the allegation of the informant that the present applicant tried to assault on the stomach of the informant by means of knife, however, he

caught hold due to which he received injury on his left hand.

5. I have perused the injury certificate, however, no injury was noticed either on the abdomen or fingers of left or right hand of the informant injured. That creates doubt about the basic story narrated by the informant in the first information report.

6. From the papers of investigation, it appears that there is counter case, in which Nasser Khan has filed the complaint. In that counter case, Nasser is complainant and this informant is the accused.

7. After completion of investigation, the investigating officer has filed the charge sheet in the Court of Judicial Magistrate, First Class, Aurangabad.

8. Hence, looking to the circumstances indicated above, I am of the opinion that the applicant is entitled for grant of bail.

9. Hence, the following order.

(i) Criminal Application is allowed.

(ii) Applicant be enlarged on bail in connection with Crime No. 56 of 2017 registered at Jinsi police station, District Aurangabad on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper with the evidence of prosecution in any manner.

10. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm