

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1151/2017

Sheikh Wakil Sheikh Ismail and others

..Vs..

State of Maharashtra, through its PSO, Mahagaon Police Station, Tq.
Mahagaon, Distt. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Abdul Subhan, Advocate for the applicants.
Ms. Kalyani Deshpande, A.P.P. for the respondent / State.

CORAM : Z.A. HAQ, J.

DATE : 8.12.2017.

Heard.

As the copy of say filed by the investigating agency before the Sessions Court is filed alongwith this application and case diary is available with the learned A.P.P., the application is taken up for consideration.

On instructions, learned Advocate for the applicants seeks permission to withdraw the application of applicant No.1 - Sheikh Wakil Sheikh Ismail with liberty to urge the prayer after filing of the charge-sheet.

The applicant Nos.2 to 4 are arrested on 6th October, 2017 in connection with crime registered for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The crime is registered on complaint lodged by the informant that the

applicants suspected that the informant had given some clue to the police that applicant No.1 is selling *gutkha* illegally in his grocery shop because of which action is taken against him by the police and because of this suspicion the applicants assaulted the informant using iron rod and wooden rods. According to the prosecution, the applicants intended to kill the informant, however, he survived but has sustained grievous injury.

The application is opposed on the ground that investigation is in progress and if the applicants are released on bail the investigation would be hampered.

The applicant Nos.2 to 4 are aged about 23 years, 21 years and 20 years respectively and claim to be businessmen and agriculturists. These applicants have stated that they are not involved in any other crime / offence earlier. These facts are not disputed by the non-applicant.

The accusations against the applicant Nos.2 to 4 are that they assaulted the informant using iron rod and sticks, however, the statements recorded by the investigating agency do not show that any of these applicants assaulted the informant on vital part of his body.

Considering the facts of the case, in my view the applicant Nos.2 to 4 are entitled to be released on bail.

Hence, the following order:

(i) The applicant No.2 - Sheikh Faruk Sheikh Wakil, applicant No.3 - Sheikh Rahii Sheikh Wakil and

applicant No.4 - Sheikh Rajak Sheikh Wakil having been arrested in connection with Crime No.694/2017 registered by the non-applicant, they be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) each and furnishing one solvent surety in the like amount for each of the applicant Nos.2, 3 and 4.

Till the filing of the charge-sheet, the applicant Nos.2 to 4 will attend the police station Mahagaon, district Yavatmal on every Tuesday and Friday between 10 a.m. till 1 p.m.

The application of applicant Nos.2 to 4 is **allowed** in the above terms.

JUDGE

Tambaskar.