

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1467 OF 2018

1 Azruddin Shahabuddin Sayyed.
2 Mansur Shahabuddin Sayyed. ..Applicants.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Kuldeep Patil I/b. Mr. Prashant S. Hagare, advocate for applicants.

Mr. S.R. Agarkar, APP for State.

Mr. Prakash Waghmare, API, Karmala Police Station, Solapur (G).

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 4, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicants herein are arrested on 31st May, 2018 in Crime No. 286 of 2018 registered at Karmala Police Station, Solapur for offence punishable under section 307, 324, 323, 143, 147, 149, 504, 506 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 12th April, 2018

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Bacchu Pandurang Shinde was admitted in Civil Hospital as he had sustained injuries. Being a medico legal case, his statement was recorded and he has disclosed to the doctor that on 8/4/2018 when his uncle Raosaheb Shinde was proceeding to the dairy of Kalyan Jhinhurde , Shahabuddin Sayyed had apprehended him on his motor cycle and had put the wheels of his motor cycle between his two legs. His uncle had objected and in reply Shahabuddin Sayyed had assaulted him with stick. Upon learning about the said incident, the complainant alongwith others had proceeded towards dairy and were passing in front of the house of Shahabuddin Sayyed and at that time, Shahabuddin alongwith present applicant had obstructed their way. Shabuddin had assaulted with an iron rod and Azruddin i.e. present applicant No. 1 had assaulted him on head with iron rod. Mansur(applicant No. 2) had assaulted his cousin Ajinath with a sword. Similarly Firoz and Nasir had also participated. On the basis of the said report offence is registered.

4 Perused the papers of investigation. Ajinath Shinde had received one injury on his head, which was sutured on the same day. Raosaheb had sustained four blunt traumas on shoulder, arm, chick and back. Raosaheb had sustained 5 injuries. All were blunt traumas and contusions and were described as simple in nature. Ajinath had sustained 3 simple injuries on head, ribs and intra-scapular area and the

complainant Bachhu Shinde had sustained one injury on his right shoulder, which was simple and blunt trauma on left hand which is described as grievous injury.

5 It is a matter of record that the incident had occurred on 8/4/2018, whereas the first information report is lodged on 12/4/2018. It is a case of cross complaint. It is submitted that one of the member of the group of the applicant had filed a report in respect of the same incident, on the basis of which Crime No. 281 of 2018 is registered and only as a counter blast to the said complaint, Bacchu Shinde has lodged the present FIR. The co-accused have been granted pre-arrest bail by this Court vide order dated 29/6/2018. In view of the above, the applicant deserves to be granted bail.

6 The observations are prima facie and restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for discharge or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

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(ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.

(iii) The applicants shall not tamper with the evidence.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]