

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINATION APPLICATION (BA) NO. 1050 OF 2018

(Wajid Kha Waris Kha vs. State of Maharashtra thr. PS Chandur Bazar, Dist. Amravati)

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

Court's or Judge's orders.

CORAM : M.G. GIRATKAR, J.
DECEMBER 07, 2018.

Heard Shri V.L. Navlani, learned counsel for the applicant. He has submitted that the applicant and his family members are the complainant. They lodged first report in the police station that there was quarrel and during the quarrel both parties beat each other. He has pointed out the post mortem report and submitted that only one injury was found on the head of the deceased. The weapons i.e. sword and iron pipe were sent to Medical Officer. As per the Medical Officer, injury found on the body i.e. on the head can be caused by sword and also by iron pipe. He has pointed out the statements of witnesses and report submitted. As per their statements, the other accused have also dealt blow on the deceased and injury may be of iron pipe. All other accused are released on bail except the present applicant. Hence, he has prayed for grant of bail.

The application is strongly objected by Shri Dubey, learned APP for grant of bail application. He has pointed out the post mortem report and statements of witnesses and submitted that the applicant was having

sword in his hand at the time of incident. He gave blow of sword on head. The learned APP has pointed out the statements of Abdul Samir and Abdul Razique.

From the perusal of statement, it appears that the applicant gave blow of sword and other accused viz. Waris Khan gave blow of iron pipe on the person of the deceased.

At this stage, it appears that there is only one injury. Which accused has caused the said injury is to be seen by the trial Court. It appears from the opinion of the Medical Officer that injury found on the head of the deceased can be caused by iron pipe also.

In the circumstances, the applicant is entitled for bail. Hence, the following order :

- (i) The application is allowed.
- (ii) The applicant be released on executing P.R. Bond of Rs.50,000/- with one surety of like amount.
- (iii) He shall not tamper with the prosecution witnesses.
- (iv) He shall attend on each and every date before the trial court.
- (v) He shall not leave the jurisdiction of trial court, without its prior permission.

JUDGE

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