

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1637 OF 2019

Sikandar Gulab Mujawar & Anr. Applicants

versus

The State of Maharashtra Respondent

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- Mr.Satyavrat Joshi, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JUNE, 2019

P.C. :

1. The Applicants are seeking bail in connection with C.R.No.388/19 registered with Islampur Police Station, Sangli, under sections 307, 341, 323, 504, 114 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 20/05/2019 by one Juber Ajij Jamadar. According to him, the Applicant No.2 is the husband of informant's cousin Shabnum Ilahi Killedar and Applicant No.1 is husband of his real sister. There was property dispute between

the informant on one hand and the Applicants on the other hand. It is the case of the first informant that the Applicant had threatened to cause harm him through one Irshad Landage.

3. On 20/09/2019 at about 02.00 p.m. when the first informant was present near Suleman Darga, aforementioned Irshad Landage and three unknown persons stopped him. Irshad threatened and abused him, Irshad suddenly took out knife and tried to assault the informant. The informant evaded of that blow as he stepped aside. The other three assaulted him with kicks and fist blows and thereafter they were trying to drag the informant towards their car. At that time, the other persons in the vicinity came running there. Therefore the assailants ran away from the spot and the first informant lodged his FIR. The investigation commenced. The Applicant No.1 was arrested on 21/05/2019 and the Applicant No.2 was arrested on 24/05/2019. The investigation papers contain medical certificate issued by the doctor treating the first informant. From those papers it appears that the first informant has not suffered

any serious injuries. Even as per the allegations, the knife blow was evaded by the first informant. There was no further attempt to assault him with any weapon.

4. In any case, the present Applicants were not present at the spot and they are involved in the crime because according to the informant this assault had taken place at their behest.

5. Looking into the general allegations in the FIR and the medical papers of the first informant, it is extremely doubtful as to offence u/s 307 of IPC is made out. In any case, the Applicants were not present on the spot. The first informant has not suffered any serious injuries. The Applicants are already in custody for more than a month. Further custody of the Applicant will not serve any purpose. Therefore I am inclined to grant bail to them. Hence, the following order :

ORDER

- (i) The Applicants are directed to be released on bail in connection with C.R.No.388/19

registered with Islampur Police Station, Sangli, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)