

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1876 OF 2019

Pappu Lungada @ Sajid Sheikh Bashir] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Sachindra Shetye, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 31st JULY, 2019.

P. C. :-

1. The applicant is seeking bail in connection with C.R.No. 179/2018 registered with Yeola Police Station, District Nashik u/sec. 307, 323, 324, 504, 506, 143, 147, 148 r/w 149 of I.P.C., and u/sec. 4 r/w 25 of the Indian Arms Act.

2. The offence is registered at the instance of the first informant Shahid Ansari on 18/11/2018. The applicant is arrested on 22/12/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed. Some of the co-accused are already granted bail.

3. The informant has stated in his FIR that, there was previous enmity between the applicant's group and the informant's group. On 18/11/2018 at 4.15 p.m., he was informed that, his cousin Majid Ansari was assaulted by the present applicant and others. He was assaulted near Shamshuddin garage. When he went there, he saw the present applicant with wooden stick, accused Islam with sword, accused Ansar with wooden stick, accused Babbu with iron rod, accused Wasim Shaikh with iron rod, accused Bablu with sword and accused Naseem Pathan assaulting his cousin Majid. When the first informant and his mother tried to intervene, the informant was assaulted by the accused with their weapons. It is alleged that, the present applicant assaulted him with wooden stick. Thereafter, the people from the locality gathered there and the accused ran away. After that the FIR was lodged.

4. Heard Mr. Sachindra Shetye, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

5. Mr. Shetye submitted that, the injuries suffered by the injured/informant and his cousin were not serious injuries. There are

general roles attributed to the accused and in particular the applicant had allegedly used wooden stick. There is no corresponding serious injury to any of the victims. The injured Shahid had suffered two blunt trauma which are described as simple injuries. The injured Majid had suffered four injuries. There was CLW over head, blunt trauma over chest, blunt trauma on left leg and CLW on hand. There were fractures of fingers. The injured Majid has attributed the assault to all the accused. His head injuries attributed to the accused who was carrying sword. Even as per his statement, the applicant was not carrying sword but he was carrying a wooden stick. The other accused had assaulted him with iron rod and wooden stick. Thus, none of the injuries are life threatening injuries.

6. The applicant is in custody since his arrest. The other accused Islam Sayed Khan (Pathan), Powel @ Ansar Raja Ansari and Bilal Hanif Shaikh who are similarly placed are released on bail pursuant to the order dated 04/07/2019 passed by this Court in BA No.1609/2019. The applicant's role is similar. Though the provisions of Section 307 of I.P.C. are applied, assailants apparently did not have intention to commit murder because though they had assaulted the

victims, and had ample opportunity but they had not caused any life threatening serious injuries. Hence, considering all these facts, this applicant also deserves to be released on bail. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No. 179/2018 registered with Yeola Police Station, District Nashik, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)