

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO.1363 OF 2020

AWAIZ AREF JAHAGIRDAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. G. R. Syed.
APP for Respondent-State : Mr. A. A. Jagatkar.
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CORAM : V. K. JADHAV, J.
DATE : 03.12.2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.I-239 of 2020 registered with Paithan Police Station, District Aurangabad for the offences punishable under Sections 307, 323, 324, 504, 506 read with Section 34 of IPC. His application with similar prayer bearing Misc. Criminal Application No.1616 of 2020 came to be rejected by the learned Additional Sessions Judge.

2. The learned counsel for the applicant submits that the investigation is over and the charge-sheet has been submitted. The applicant is in jail in connection with the present crime

since 30.07.2020. The other co-accused persons came to be released on regular bail by this Court. The learned counsel submits that the incident had taken place on account of some trifling reasons. There is no criminal history. On the same set of allegations, the other co-accused persons came to be released on bail. The applicant is ready to abide the conditions including the condition as not to enter within the limits of Paithan Town till the conclusion of the trial to avoid the tampering of the prosecution evidence. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that the informant has sustained the grievous injury over his leg. It has been specifically alleged in the complaint and so also revealed in the investigation, after recording the statement of injured Shadab that the present applicant tried to kill the injured witness Shadab with the help of motorcycle. The applicant has deliberately driven the said motorcycle on the legs of the injured witness Shadab and caused him the fracture injury on his left leg. *Prima facie*, there is a strong case against the applicant. The applicant may not be released

on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, though I find the name of the applicant is mentioned in the FIR with a specific role attributed to him, however, the injured Shadab has sustained two simple injuries and one fracture injury over his left leg. Informant Anis has sustained two abrasions over right thumb and right forehead region respectively and both the injuries are simple in nature. The other injured witnesses have not sustained any serious injuries. There is no criminal history. Thus, considering the entire aspect of the case and since further detention of the applicant in jail is unwarranted and uncalled for, I am inclined to release the applicant on bail. The applicant is available for trial. In order to avoid the possibility of tampering with the prosecution evidence, it would be just and appropriate, if the applicant is directed as not to enter within the limits of Paithan Town till the conclusion of the trial. Hence, I proceed to pass the following order :

ORDER

1. The application is hereby allowed.

2. The applicant AWAIZ AREF JAHAGIRDAR in connection with Crime No.I-239 of 2020 registered with Paithan Police Station, District Aurangabad for the offences punishable under Sections 307, 323, 324, 504, 506 read with Section 34 of IPC, be released on bail on furnishing P.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall not enter within the limits of Paithan Town, District Aurangabad till the conclusion of the trial except for attending the court dates before the Committal Court.
3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-