

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**26 BAIL APPLICATION NO.55 OF 2021
WITH
CRIMINAL APPLICATION NO.787 OF 2021
IN BA/55/2021**

Mohammed Hanisoddin alias
Anisoddin s/o Mohammed Hafizoddin
Farooqui Inamdar, Age: 35 years,
Occu.: Business, R/o. Millat Nagar Road,
Devi Nagar, Degloor Naka, Nanded,
Taluka and District Nanded.

..Applicant

VERSUS

The State of Maharashtra,
through the Officer Incharge,
Nanded Rural Police Station,
District: Nanded.

..Non-applicant/
Prosecution/
Respondent

...
Advocate for Applicant in BA/55/2021 : Shri R.S.Deshmukh,
Senior counsel alongwith Shri Govind Kulkarni and
Shri Shriram Deshmukh i/b.Shri Devang R. Deshmukh
APP for Respondent : Shri S.P.Sonpawale
Advocate for Applicant in Application No.787 of 2021 :
Shri M.K.Bhosale
...

CORAM : M.G.SEWLIKAR, J.

DATE: 30th August, 2021

PER COURT:-

1. Heard.
2. Prosecution's case can be succinctly stated as under:
The informant has a medical shop. He had started this

shop in front of medical store of his uncle and uncle's sons. Therefore, the applicant and his uncle i.e. accused were not on good terms. On 25th March, 2020 at about 03:00 p.m., the applicant and all other accused gathered in front of his house and called the informant out. The deceased Junaid was the real brother of the informant. Accused Yunus Inamdar was armed with a rifle, accused Gaus Namdar was armed with a sword. Accused Sarovar Inamdar was having a knife, accused Adil was holding a sword. All of them assaulted the informant. Accused Yunus Inamdar fired from his rifle on the back of the informant. When his brother Junaid (the deceased) came to his rescue, accused Sarovar Inamdar stabbed in the chest of deceased Junaid. Applicant Anis Inamdar throttled him. Junaid was shifted to the hospital where he was declared brought dead. On these allegations, Crime No.0159 of 2020 came to be registered in Nanded Rural Police Station, District Nanded, under Sections 302, 307, 143, 147, 148, 149, 504, 506, 188 of the Indian Penal Code and Sections 3/25, 4/25, 4/27 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

3. Shri R.S.Deshmukh, learned senior counsel for the applicant submits that the only role ascribed to the applicant is of strangulation. He submits that post mortem report does not

indicate any injury by strangulation. He further submits that charge-sheet is filed.

4. Shri S.P.Sonpawale, learned APP for the respondent-State submits that the statements of the witnesses show that the applicant was armed with a sword. He had assaulted the informant. Therefore, the applicant may not be released on bail.

5. Adjournment was sought by the prosecution for producing injury certificate of the informant in support of its contention that applicant was armed with a sword and he had assaulted the informant with it. However, no such certificate is forthcoming.

6. On perusal of the charge-sheet annexed with the application, it is seen that the only role attributed to the applicant is of strangulation. It is alleged that after deceased Junaid was stabbed in the chest, applicant strangled the deceased. Post mortem report does not indicate that the deceased had any such injury. The cause of death is due to stab injuries to heart. Nothing is recovered from the applicant. Charge-sheet has already been filed.

7. It is not the case of the prosecution that the applicant will not be available for trial. He has roots in the society. Since charge-sheet is filed, there is no question of tampering evidence. Considering the pandemic situation created due to Covid-19, I am inclined to release the applicant on bail. Hence, the order:

ORDER

- i) Bail Application No.55 of 2021 is allowed.
- ii) Applicant be released on P.R.Bond of Rs.50,000/- (Rs.Fifty thousand only) with one solvent surety in the like amount, in connection with Crime No.0159 of 2020 registered with Nanded Rural Police Station, District Nanded, under Sections 302, 307, 143, 147, 148, 149, 504, 506, 188 of the Indian Penal Code and Sections 3/25, 4/25, 4/27 of the Indian Arms Act and under Section 135 of the Maharashtra Police Act.
- iii) Bail Application No.55 of 2021 is disposed of.
- iv) Criminal Application No.787 of 2021 filed for assist to Public Prosecutor is also disposed of.

**(M.G.SEWLIKAR)
JUDGE**