

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 759 OF 2021

Ahmed Imam Shaikh

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Satej Jadhav, Advocate for the applicant.

Mrs. D.S. Jape, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 8th September, 2021.

PER COURT :

1. Heard.
2. Case of the prosecution is that informant had purchased a plot from one Sakhubai. On 13th February, 2021, at 1.00 pm, informant learnt that some unknown persons had trespassed in the said land and they had brought with them some material. Informant went there with his brother Hrushikesh, cousin Vijay More and uncle Rajaram More. Those unknown persons were seen throwing construction material from the property of the informant. When the uncle of the informant confronted those unknown persons, they

started abusing the informant, his uncle and others. During commotion, one unknown person i.e. the applicant stabbed the informant in the chest but the informant warded it off and it landed on first finger of his left hand. Applicant assaulted Hrishikesh on right waist. Thereafter, the applicant ran away. Hrishikesh was bleeding profusely. He was shifted to the hospital and was discharged on 22nd February, 2021. On the basis of these allegations, First Information Report vide Crime No. 51/2021 came to be registered with Pundlik Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 448, 323, 324, 143, 147, 148, 149, 504, 120(B), 109 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

3. Charge-sheet is filed. On perusal of charge-sheet it is seen that there is no evidence of conspiracy. Even learned APP concedes that no evidence as regards conspiracy is collected by the prosecution. So far as offence under Section 307 of the Indian Penal Code is concerned, the only allegation is that the blow was aimed on the chest but it landed on the waist. Injured was one Hrishikesh, the elder brother of the informant. No other person seems to have injured in the incident. Learned counsel Shri Jadhav submitted that

all the other accused have been released on bail. Some of them are released on anticipatory bail. He submitted that the applicant has no criminal antecedents. He owns immovable property, therefore, he is not likely to flee from justice.

4. Applicant and the informant did not know each other before the incident. Informant himself has described the applicant as an unknown person. The incident seems to have occurred because of the property transaction done by the previous owner Sakhubai. Having regard to the totality of the circumstances, the nature of injury caused and the fact that the injured is discharged from the hospital without there being any further complications, I am inclined to release the applicant on bail. Moreover, the applicant does not have any criminal background. He will be available for trial. Considering the pandemic situation created by Covid-19, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in

the like amount in connection with CrimeNo. 51/2021 registered with Pundlik Nagar Police Station, Dist. Aurangabad, for the offences punishable under Sections 307, 448, 323, 324, 143, 147, 148, 149, 504, 120(B), 109 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

iii) Application is disposed of.

(M. G. SEWLIKAR)
Judge

dyb