

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

53 BAIL APPLICATION NO.1242 OF 2021

**SHAIKH MAJID S/O SHAIKH JANI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Rathi Swapnil S.
APP for Respondents/State : Mr. V.M. Kagne
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 20th October, 2021**

PC.:-

Heard.

2. It is the prosecution case that on 06.04.2021 at 10.00 am applicant was sitting at his automobile shop at Pusegaon. At that time applicant along with others went there and asked for Shahrukh. Applicant assaulted the informant by means of a knife. The informant sustained injuries on his abdomen and on his waist. When the applicant was trying to assault him by knife on the chest of the informant, the informant warded it off by left hand and in that process the informant sustained injury to his two fingers. Accused Shaikh Salim Shaikh Umar assaulted cousin of informant by the name of Subhan Khan Kalim Khan and caused grievous injury by stabbing in the chest. Accused Shaikh Asad Shaikh Aziz, Shaikh Khizer Shaikh Asad beat him

by kicks and fist blows. When the applicant was assaulting the informant accused Shaikh Aamer and Shaikh Javed had held him. Injured were shifted to the hospital. On these allegations, Crime No.23/2021 for the offence punishable under Section 307, 147, 148, 149, 323, 504 of the I.P.C. and under Section 135 of the Bombay Police Act came to be registered against the applicant with Narsi Police Station, District Hingoli.

3. Heard Shri Rathi learned counsel for the applicant and Shri Kagne learned APP for the State.

4. Learned counsel Shri Rathi submits that applicant has also filed FIR against the informant. Informant and other accused have been released on bail. This is a counter FIR. He submits that the informant has been discharged from the hospital on 13.04.2021. He submits that charge-sheet is filed and that applicant has no criminal antecedents.

5. Learned APP submits that the informant and his cousin had sustained grievous injuries. Therefore, he should not be released on bail.

6. Charge-sheet is filed. Therefore, physical custody of the applicant is not required. Applicant is in jail since 01.06.2021. The injured have been discharged from the hospital in the month of April-2021. Applicant has no criminal antecedents. Considering the pandemic situation having arisen due

to Covid-19, I am inclined to release the applicant on bail. Applicant is not likely to flee from justice. In view of this following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.23 of 2021 under Section 307, 147, 148, 149, 323, 504 of the I.P.C. and under Section 135 of the Bombay Police Act registered with Narsi Police Station, District Hingoli.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]