

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 659/2021.

Shaikh Salim Shaikh Tamiz

-Versus-

State of Maharashtra, through P.O. Shirajghaon Kasba, Tq. Chandur Bazar, District Amravati.	Court's or Judge's orders
Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	

Shri S.D. Chande, Advocate for the Applicant.
Ms. T. Udeshi, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : OCTOBER 13, 2021

Heard.

2. It is the prosecution case that on 04.06.2021, around 5 p.m., there was quarrel in which the applicant assaulted uncle of the informant by means of iron rod on his head. So also other co-accused assaulted another uncle of the informant.

3. The learned Counsel for the applicant would submit that there was a free fight in between both the parties on flimsy dispute of flying kite. One of the accused of this crime has already lodged a report against the informant party which was registered by the police at prior in point of time.

4. Perused case diary, statement and injury

2

certificate. Though there was a head injury, it is not opined that the injury was of grievous nature. It is submitted that CT Scan was advised, however, there is no material on record to that effect. Admittedly injured was discharged long back. Record indicates that the iron rod used by the applicant is already seized. Having regard to these facts, applicant's liberty can be protected. Hence the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) In the event of arrest of the applicant/accused – Shaikh Salim Shaikh Tamiz in connection with Crime No.208/2021 registered with non-applicant Shirajgaon Kasba, Tq. Chandur Bazar, District Amravati for the offence punishable under Sections 326, 504, 506 read with Section 34 of the Indian Penal Code, he be released on interim bail on her furnishing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (ii) The applicant/accused to attend the concerned police station on every Sunday, in between 12 noon to 2 p.m. till filing of the charge sheet or 90 days, whichever is earlier.
- (iii) The applicant shall not enter the jurisdiction of Chandur Bazar for a period

Order

1310aba659.21

3

of 90 days from today, except for attending the police station.

- (iv) The applicant/accused shall not tamper with the prosecution evidence in any manner.
- (iv) All pending Misc. Criminal Applications stand disposed of.

JUDGE

Rgd.