

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) 1287 OF 2021

(Shahrukh Mohammad Naim Sha and anr..vs..State, thr PSO, PS Hivarkhed, District Buldana)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Z.Z. Haq, counsel for applicants.
Mr. N.S. Rao, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.
DATE:18.12.2021.

Heard.

2. The applicants are accused of assaulting injured Salman and his father Sheikh Babbu and are arraigned as accused in Crime 260/2021, registered with Police Station Hiwarkhed, Dist. Buldana, for offences punishable under sections 307, 324 read with section 34 of the Indian Penal Code.

3. The version of the eye witnesses is consistent.

4. The blow with the knife on a vital part, i.e. the abdomen, is inflicted by applicant 2 Shaikh Sajodin Shaikh Samad. I was not inclined to grant bail to applicant 2 Shaikh Sajodin considering injury caused and the attending

circumstances. However, since the learned counsel Mr. Z.Z. Haq is seeking to withdraw the bail plea of applicant 2 Shaikh Sajodin, elaborate reasons need not be rendered.

5. In so far as applicant 1 Shahrukh Mohammad Naim Sha is concerned, no role is attributed in the assault on the injured. He allegedly assaulted the father of the injured with wooden stick. However, there is no medical evidence to support such allegation. In any event, whether applicant 1 Shahrukh Mohammad and applicant 2 Shaikh Sajodin acted with common intention is not clear at this stage. I am, therefore, inclined to grant bail to applicant 1 Shahrukh Mohammad considering the role attributed and the fact that he has no criminal antecedents.

6. The application preferred by applicant 2 Shaikh Sajodin Shaikh Samad is dismissed.

7. The bail plea of applicant 1 Shahrukh Mohammad Naim Sha is allowed. Applicant 1 Shahrukh Mohammad Naim Sha be released on bail in connection with Crime 260/2021, registered with Police Station

Hiwarkhed, Dist. Buldana, for offences punishable under sections 307, 324 read with section 34 of the Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

8. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

9. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede