

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 ANTICIPATORY BAIL APPLICATION NO.109 OF 2022

ABDUL MAJID S/O SHAIKH FARID BAGBAN

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. H.I. Pathan, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17th FEBRUARY, 2022

ORDER :

1 Applicant is apprehending his arrest in connection with Crime No.291/2021 dated 13.10.2021 registered with Kalamnuri Police Station, Dist. Hingoli, for the offence punishable under Section 326, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. H.I. Pathan for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 It is to be noted that First Information Report has been lodged by

one Arip Shaikh Usman Bagwan, who was at that time admitted in Intensive Care Unit of Yashosai Hospital. He states that his marriage was performed with the daughter of present applicant in 2004. However, dispute arose in 2006 and thereafter there was divorce. But then, he states that the son of present applicant was annoyed with the said fact and when the informant had gone to attend a marriage ceremony on 07.10.2021, he was assaulted by the present applicant as well as by his son. The assault is stated to be by the son of the applicant by iron rod on the head of the informant and at that time the applicant is stated to have caught hold of the informant.

4 Perusal of the police papers would show that substantial part of investigation is over. Statements of witnesses have been recorded. The medico legal certificate issued by Yashosai Hospital would show that there were three injuries and all of them were grievous in nature. Applicant was admitted in the hospital on 08.10.2021 and discharged on 13.10.2021. The situs chosen is stated to be head and the probable weapon is stated to be hard and blunt object. However, as per the First Information Report itself as well as the statements of witnesses, the attack is by the son of the present applicant and as against the present applicant it is stated that he has instigated his son. Further, the documents, which have been collected, would show that by a decree in Regular Civil Suit No.132/2010 the learned Civil

Judge Senior Division, Hingoli had dissolved the marriage between the informant and daughter of present applicant on 19.08.2014. The question is, whether till 2021 the applicant could have had any grievance, but then the informant wants to connect that incident to the present incident. Therefore, probability is also a fact which has been considered. The physical custody of the present applicant is not required, as role attributed to him is only instigation. This Court had granted interim protection to the applicant. It deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 28.01.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. Abdul Majid s/o Shaikh Farid Bagban, in connection with Crime No.291/2021 dated 13.10.2021 registered with Kalamnuri Police Station, Dist. Hingoli, for the offence punishable under Section 326, 504, 506 read with Section 34 of the Indian Penal Code, 1860, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with

two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall attend Kalamnuri Police Station, Dist. Hingoli, on every Thursday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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