

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

927 BAIL APPLICATION NO.171 OF 2022

Adam Baba Bagwan
Age: 25 years, Occu.: Student/Education,
R/o. Sab Station, Warulacha Maruti,
Nalegaon, Ahmednagar - 414 001. ..Applicant

VERSUS

State of Maharashtra
(Through Nagar Taluka Police Station) ..Respondent

...
Advocate for Applicant : Smt.Radhika S. Navandar
APP for Respondent : Shri A.A.Jagatkar

...
CORAM : M.G.SEWLIKAR, J.

DATE: 16th March, 2022

PER COURT :-

1. Heard Smt.R.S.Navandar, learned counsel for the applicant and Shri A.A.Jagatkar, learned APP for the respondent.
2. Allegations against the applicant are that informant and his family members are not on good terms with accused Arbaz Shakil Sayyad.
3. On 26th December 2021, informant alongwith his friends Amir Ansar Khan, Danish Shail Shaikh had been to Chandbibi Mahal at Ahmednagar. Applicant and accused Arbaz Shakil

Sayyad came there when informant and his friends were at the hotel. Arbaz Shaikl Sayyad, Shakill Sayyad and applicant came there abusing the informant. Accused Arbaz Shakil Sayyad assaulted the informant by means of a Sattur (a sharp weapon). The assault was mounted on the neck of the informant. It was intercepted by his left hand. Informant sustained injury on his little finger. When informant's friend Amir intervened, he was beaten with a wooden rod by the applicant. On these allegations, FIR came to be lodged against the applicant and other accused.

4. From the investigation papers and the FIR, it is seen that informant's phalanx of left hand was amputated. However, the blow was not given by the applicant. Applicant had assaulted Amir Ansar Khan. It is alleged that applicant had also delivered a blow of wooden rod on the back of the informant. Thus, allegations against the applicant are not that he delivered a blow of Sattur on the informant, which resulted in amputation of phalanx. While considering application for bail, role of the accused in commission of the offence is also relevant in view of the Judgment of the Hon'ble Supreme Court in the case of *Sushila Aggarwal Vs. State (NCT of Delhi)* [(2020) 5 SCC 1].

5. Shri Jagatkar, learned APP for the respondent states that applicant has criminal antecedents. Two offences i.e. Crime No.701 of 2021 under Sections 143, 147, 149, 323, 324, 504 of the Indian Penal Code and Crime No.392 of 2017 under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code are pending against him.

Smt.Navandar, learned counsel for the applicant submits that applicant is acquitted in Crime No.392 of 2017.

There is no record to show that any charge-sheet is filed in Crime No.701 of 2021.

6. Having regard to the role of the applicant, I am inclined to release the applicant on bail.

ORDER

i) Bail Application is allowed.

ii) Applicant be released on P.R.Bond of Rs.20,000/- (Rs. Twenty thousand only) with one solvent surety in the like amount, in connection with Crime No.0714 of 2021, registered with Amednagar Taluka Police Station, Dist.Ahmednagar, under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, and on condition that he shall not interfere in the investigation, he shall not pressurize the prosecution witnesses and he shall attend the concerned Police Station on every Thursday between 12:00 Noon and 04:00 p.m. till filing of the charge-sheet.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT