

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.184 OF 2022

HUSEN S/O SHARFODDIN SHAIKH AND ANOTHER
VERSUS
STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. R. R. Deshmukh and R.B.Deshmukh
APP for Respondent-State : Ms. Vaishali Patil Jadhav
.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
14-03-2022**

**Date of Pronouncing the Order :
08-04-2022**

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No.477 of 2021, registered with Udgir (Rural) Police Station, Taluka Udgir, District Latur, for the offence punishable under Section 307, 504, 506, 143, 147, 148, 149 of IPC.
2. Heard learned Advocate Mr. R. R. Deshmukh for applicants and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR lodged by one Muktar Daud Shaikh dated 05-11-2021 would show that it is in respect of incident that had allegedly taken place at 06.30 p.m. on 04-11-2021. It is stated that applicant No.1 had demanded amount of Rs,.50,000/- as advance to the informant, but then he had refused to give that amount quoting his own financial constrain. Then he asked his relatives to come to the saw mill of the informant. Accordingly, the son of applicant No.1 went there along with his friends. Applicant No.2 is the friend of son of applicant No.1. Those persons had assaulted the informant with sticks, fists and kicks blows. There were five persons assaulting him. Accused Altaf Husain Shaikh i.e. son of the applicant, who is not before this Court, had then give blow of wooden stick on the head of the informant causing grievous injury to him. He became unconscious and then was taken to hospital where he was treated.

4. Thus, the FIR shows the role of applicant No.1 as the person who demanded the amount and called the persons, and assaulted the informant by stick and kicks blows. The role of applicant No.2 is stated to be assault by stick and kicks blows. For this purpose, the custodial interrogation appears to be not required. The Medico Legal Certificate shows that he had sustained two injuries, one is

contusion over nape of neck around occipital region which is stated to be simple, and second is also contusion over forearm exterior aspect and it is also stated to be simple. The X-Ray and CT Scan of the brain and cervical spine are normal. So also the X-Ray of the forearm is also normal. Therefore, informant has not received any grievous injury, and therefore, whether it attracts ingredients of Section 307 of IPC, would be a question.

5. Taking into consideration the role attributed to the applicants, they deserve to be released on bail. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of the applicants Husen s/o Sharfoddin Shaikh and Syed Wajeed s/o Syed Pasha Ustad, in connection with Crime No.477 of 2021, registered with Udgir (Rural) Police Station, Taluka Udgir, District Latur, for the offence punishable under Section 307, 504, 506, 143, 147, 148, 149 of IPC, they be released on P.R. Bond of Rs.30,000/- each with two solvent sureties of Rs.15,000/- each.

- 3) The applicants shall attend Police Station Udgir (Rural), Taluka Udgir, District Latur, on every Wednesday between 10.00 a.m. to 12.00 p.m., till filing of charge-sheet.
- 4) The applicants shall not tamper with the evidence of prosecution in any manner.
- 5) They shall not try to commit any other offence.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.