

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

40 BAIL APPLICATION NO.270 OF 2022

**SHAIKH HUSSAIN SHAIKH AZIZ
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Saeed S. Shaikh
APP for Respondents/State : Mr. G.O. Wattamwar
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 7th March, 2022**

PC.:-

Heard.

2. FIR is lodged by informant alleging therein that on 29th August 2021 at 9.00 am he had gone for taking tea in a hotel on a hill. While coming back, applicant and his brother-Abdul came near the hotel of Wajid Bhai. They started quarreling with the applicant on account of their previous dispute. Ali and Abdul held the hand of the informant and applicant stabbed in the abdomen of the informant. On these allegations FIR came to be lodged on the basis of which offence punishable under Section 307, 323, 504, 506 read with Section 34 of the I.P.C. and under Section 4/25 of the Indian Arms Act vide Crime No.300/2021 came to be registered with Vazirabad Police Station, District Nanded.

3. Learned counsel Shri Saeed Shaikh for the applicant submits that there were settlements before Mohalla committee between the father of the informant and the applicant. These settlements were effected on 28th December, 2019 and on 29th August, 2021. He submits that there are statements of witnesses indicating that informant has illicit relations with wife of the applicant. However, learned Additional Sessions Judge misconstrued that there were illicit relations between applicant and wife of the informant. He submits that informant injured is hale and hearty. He is discharged from the hospital. He seeks release of applicant on bail.

4. Learned APP submits that knife is recovered from the applicant. Informant sustained serious injury. Informant, as per police report, is facing discomfort and is taking rest at home.

5. Charge-sheet is filed. It appears that learned Additional Sessions Judge has observed that there were illicit relations between applicant and wife of the informant. However, the settlement before the Mohalla committee shows the position otherwise. There are statements of witnesses indicating that informant has illicit relations with wife of the applicant. Informant has been discharged from the hospital. Investigating Officer has submitted the report that informant is still not keeping well and is taking rest at home.

However, no medical certificate to that effect is produced. Considering the evidence collected by the prosecution and the nature of injuries sustained by the informant and the fact that the informant has been discharged from the hospital, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.35,000/- with one solvent surety in the like amount, in connection with Crime No.300/2021 under Section 307, 323, 504, 506 read with Section 34 of the I.P.C. and under Section 4/25 of the Indian Arms Act with Vazirabad Police Station, District Nanded on condition that she shall not tamper the prosecution evidence.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]