

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.282 OF 2022

SHAIKH JAMAL @ HABU S/O SHAIKH NOOR
VERSUS
THE STATE OF MAHARASHTRA

...
Ms. Sunita G. Sonawane, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15.03.2022

ORDER :-

- . Heard learned Advocate for the applicant.
2. Learned APP raises strong objection for grant of any interim relief. Taking into consideration the contents of the FIR and the specific role attributed to the present applicant, custodial interrogation of the applicant is necessary. He is not armed with the police papers, however, when it is clear on the basis of the FIR itself that there is involvement of the present applicant, then he does not deserve to be released on anticipatory bail.
3. The FIR has been lodged on 16.04.2021 by one Shaikh Sajid Shaikh Ismail in respect of an incident that had taken place at about

8.00 p.m. on 15.04.2021. Informant has stated that he along with his friend Shaikh Najem Shaikh Javed were chitchatting in front of house of one Azizbhai. Two motorcycles came at the spot. On one motorcycle, there is present applicant. The other two persons were unknown to him. Two unknown persons have caught hold of him and the present applicant has abused him and stabbed thrice towards the right side of the chest. When informant gave jerk and tried to rescue, at that time, he had stabbed on his right buttock. He fell down and then another known person Babu, who had come along with applicant and the other two unknown persons, had tried to commit informant's murder. Because of the human cry, people gathered and the informant was rescued. While going, the present applicant had threatened him that he was saved on that day, but next time he will not be. Informant was severely injured and, therefore, he was taken to Government Hospital, Basmath and thereafter, he was taken to Government Hospital, Nanded. It was told to him after preliminary treatment that the hospital is dedicated to Covid patients and, therefore, he has to make his own arrangements. He then went to private hospital. He says that about 7 to 8 months prior to the date of incident, there was FIR registered against the present applicant by the informant's mother. Taking into consideration the contents of the FIR, definitely, when the person had caused injury to the

informant by stabbing thrice, that too near chest and then one more stab to his buttock, it indicates the intention. Definitely, the knife is required to be recovered. The manner in which the offence is committed does not deserve use of extraordinary power in favour of the applicant and, therefore, at the threshold, the application deserves to be rejected. Accordingly, it is rejected.

[SMT. VIBHA KANKANWADI, J.]

scm