

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

BAIL APPLICATION NO. 601 OF 2022

Mohammed Anisoddin Mohammed Hafizoddin ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

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Mr. R.S. Deshmukh, Senior Advocate a/w Mr. V.A. Chavan, Advocate i/b Mr. D.R. Deshmukh, Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent – State

Mr. M.K. Bhosale, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.

DATE : 06th OCTOBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 280 of 2019 registered with Itwara Police Station, Dist. Nanded for the offences punishable under Sections 307, 323 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.') and under Section 4/25 of the Arms Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by one Mohd. Mohioddin on 15th December, 2019. It has been alleged therein that the applicant and co-accused assaulted the informant himself. The applicant allegedly assaulted

the informant with a wooden log. Co-accused are alleged to have assaulted with a *Khanjar* and sword. The co-accused are not before this Court. The injuries suffered by the informant are simple in nature. The applicant allegedly assaulted the informant not on his vital part. As such, so far as regards present applicant is concerned, it may be an offence punishable under Section 324 of the I.P.C., bailable offence. The Court is, therefore, inclined to grant him bail inspite of learned A.P.P and learned counsel for the intervenor have strong objection to grant the applicant bail.

4. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 280 of 2019 registered with Itwara Police Station, Dist. Nanded for the offences punishable under Sections 307, 323 and 506 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)