

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

BAIL APPLICATION NO. 911 OF 2022

1. Mohammad Pashumiya Shaikh
Age: 40 years, Occu.: Agri.,
2. Aslam Pashumiya Shaikh
Age: 34 years, Occu.: Agri. and Labour,
3. Afjal Pashumiya Shaikh
Age: 36 years, Occu.: Agri. and Labour,
4. Ajjju Pashumiya Shaikh
Age: 38 years, Occu.: Agri. and Labour,

All R/o Ambehol, Tq. and Dist. Osmanabad

..APPLICANTS

VERSUS

State of Maharashtra
Through Osmanabad Rural Police Station,
Dist. Osmanabad

..RESPONDENT

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Mr. A.M. Gaikwad, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.
DATE : 18th JULY, 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. 85 of 2022 registered with Osmanabad Rural Police Station, Dist. Osmanabad for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

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

3. Learned counsel for the applicants would submit that the applicants are behind the bars for little over 45 days. The victim has been discharged from the hospital on the second day of the alleged incident. According to him, it is not desirable to keep the applicants behind the bars even pending the investigation. He, therefore, urged for grant of application.

4. Learned A.P.P would, on the other hand, opposed the application.

5. From the F.I.R. it is evident that there was dispute over monetary transaction between the applicants on one hand and the informant on the other. On 28th May, 2022 by 05.00 p.m., all the applicants intercepted the informant. One of them viz. Applicant No.1 - Mohammad Shaikh caught hold of the informant. Applicant No.2 – Aslam Shaikh assaulted on the head of the informant with an iron rod. The injury certificate indicates the informant to have suffered injury on the occipital region of head. The injury was grievous in nature. He had been moved to the emergency ward. True, he has been discharged from the hospital after two days. Since the assault is in the nature of bid on the life of the informant, the Court is not inclined to grant bail to Applicant No.2 – Aslam Shaikh. So far as role played by other applicants is

concerned, same is invoked with the aid of Section 34 of the I.P.C. The Court is, therefore, inclined to grant them bail.

6. Learned counsel for the applicants, therefore, came around to withdraw the application of Applicant No.2 – Aslam Shaikh.

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

ORDER

(I) The bail application is partly allowed.

(II) Applicant No.1 - Mohammad Pashumiya Shaikh, Applicant No.3 - Afjal Pashumiya Shaikh and Applicant No.4 - Ajju Pashumiya Shaikh be released, in connection with Crime No. 85 of 2022 registered with Osmanabad Rural Police Station, Dist. Osmanabad for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, on executing P.R. Bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(III) They shall not tamper with the prosecution evidence.

(IV) Bail application of Applicant No.2 - Aslam Pashumiya Shaikh stands disposed of as withdrawn.

(R.G. AVACHAT, J.)