

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

BAIL APPLICATION NO.1044 OF 2022

Mehboob Jahoor Shaikh

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.Saeed S. Shaikh, Advocate for applicant

Mr.S.P.Sonpavale, APP for respondent assisted by Mr.M.P.Kale,
Advocate h/f. Mr.R.T.Deshmukh, Advocate for informant

CORAM : R.G. AVACHAT, J.

DATE : JULY 27, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0222 of 2022 registered with Kaij Police Station, Dist.Beed.

2. Heard learned counsel appearing for the parties.

3. Mr.M.P.Kale, learned counsel i/b. Mr.R.T.Deshmukh, learned counsel for the informant, would submit that the assault on the informant was at behest of the applicant herein. The applicant is husband of the informant. It is an interfaith marriage. There is

matrimonial discord. The applicant was found in the premises of the Tahsil Office, Kaij, at the time when the incident took place. The same indicates that the assault was at his instigation. He, therefore, urged for rejection of the application.

4. The FIR has been lodged by the victim herself. She has been serving as Nayab Tahsildar. She has been assaulted with a scythe by her brother (co-accused Madhukar Wagh). In the FIR, the reason for assault is stated to be property dispute between the informant and her assailant brother. It is after 6-7 days of filing of the FIR, she gave supplementary statement, stating that the assault was at the behest of the present applicant. Except the applicant's presence in the premises of the Tahsil Office, Kaij, soon after or by the time the incident took place, there is nothing to *prima facie* indicate his involvement in the offence in question. In view thereof, I am inclined to grant bail the applicant.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0222 of 2022 registered with Kaij Police Station, Dist.Beed, 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 in any manner.

(iv) He shall not enter Tahsil office, Kaij, Dist. Beed, whereat the informant has been working, except for official purpose, if any.

[R.G. AVACHAT, J.]

KBP

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

CRIMINAL APPLICATION NO.2332 OF 2002

IN

BAIL APPLICATION NO.1044 OF 2022

(Asha Dayaram Wagh

Vs.

The State of Maharashtra and anr.)

Mr.M.P.Kale, Advocate h/f. Mr.R.T.Deshmukh, Advocate for applicant

Mr.S.P.Sonpavale, APP for respondent no.1

Mr.Saeed S. Shaikh, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : JULY 27, 2022

ORDER :-

The application is allowed. The applicant is permitted to assist learned APP during hearing of Bail Application No.1044 of 2022.

[R.G. AVACHAT, J.]

KBP