

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

BAIL APPLICATION NO.1101 OF 2022

Aslam Shaikh Nawab

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. S.E. Siddiqui, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 5th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.293/2022, registered at Sadar Bazar Police Station, Jalna, District Jalna for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by brother of the victim. On 4/4/2022, in response to the information that the victim has been admitted to the hospital, the informant rushed to see him. On enquiry with

him, the victim told the informant that the applicant and co-accused Tipu had picked up quarrel with him by 1.00 p.m. on 4th April itself. Both of them had insisted him not to call the boys employed by him to his residence. While the victim enquired with him as to whether they had any difficult over the same, both of them had abused him. Co-accused Tipu held him while the applicant herein gave two stabs, one on chest and another in stomach. Based on the information given by the victim, the informant lodged the F.I.R.

3. The learned counsel for the applicant would submit that, the co-accused has been granted bail. On investigation, the charge sheet has been filed. The victim was discharged from hospital on 15th April. According to him, it will take time for commencement and conclusion of the trial. He, therefore, urged for grant of bail to the applicant.

4. The learned A.P.P. would, on the other hand, submit that, the victim suffered two stab injuries. He was in hospital for a fortnight. After discharge, he was again required to be admitted to the hospital. There are medical papers to support his claim. According to him, it was a bid on the life of the victim for petty reason. The role played by the co-accused is altogether different. He, therefore, urged for

rejection of the application.

5. Considered the submissions advanced. Perused the F.I.R. and related papers. The applicant assaulted the victim with two knife blows. The victim had been admitted to the hospital for two weeks. He was operated upon. The applicant is behind the bars since 5th April 2022. On investigation the charge sheet has been filed. Co-accused, although had not assaulted the victim, is alleged to have caught-hold of the victim so as to facilitate the applicant inflicts blows. Since the investigation is over and the charge sheet is filed, it will take time for commencement and conclusion of the trial, pre-trial detention of the applicant, in the facts and circumstances of the case, is unwarranted. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.293/2022, registered at Sadar Bazar Police Station, Jalna, District Jalna for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code (Sessions Case No.117/2022 pending before the Sessions

Judge, Jalna) on his 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 enter Jalna city till conclusion of the trial.

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

**(R. G. AVACHAT)
JUDGE**

fmp/-