

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

37 BAIL APPLICATION NO.1882 OF 2022

SK. MUJAMMIL @ MUJJU S/O. SK. HAKIM
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kazi S. S.
APP for Respondent-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 12.12.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Learned counsel for the applicant would submit that the false allegations have been levelled against the applicant that he assaulted the injured/complainant on chest with knife. The complainant has been arraigned as an accused of the murder of the same lady for whom the alleged incident happened. The injury report does not constitute an offence under Section 307 of the IPC. The applicant is languishing in jail for sufficient time. The investigation has been completed. The applicant has been falsely implicated in the crime. The applicant and the accused are inmates in the same Prison; hence, the possibility

of danger to his life at the hands of the complainant cannot be ruled out. The applicant is the sole bread earner of his family. Hence, he may be granted bail.

3. Learned APP would argue that the injury report supports the allegations of assault on the chest with knife. The injured has a stab injury by knife. The presence of the applicant on the spot of the incident cannot be doubted. The learned Additional Sessions Judge passed a detailed order on the application of bail moved by the applicant.

4. Perused the papers. The complainant/accused has stab injuries on his chest. Chest is the vital part of the body. Assaulting on the vital part of the body is itself evidence of intention. As far as Section 307 of the IPC is concerned, the injury is immaterial. However, the overt act and intention of the assailant is to be gathered from the conduct of assailant. A sufficient evidence has been collected against the applicant. There are antecedents to the discredit of the applicant. As far as the apprehension of danger to the life of the applicant in Prison is concerned, the Prison Authority would take an appropriate care of the life of the applicant.

5. In view of the allegations levelled against the applicant and material collected against him, the Court is of the view

that *prima facie* material is available against the applicant.
Therefore, he does not deserve bail.

6. For the above reasons, the bail application stands dismissed.

(S. G. MEHARE, J.)

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