

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

ANTICIPATORY BAIL APPLICATION NO.1557 OF 2021

SAHIL SIRAJ SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. G.R. Syed, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 02nd FEBRUARY, 2022

PRONOUNCED ON : 08th MARCH, 2022

ORDER :

1 Applicant is apprehending his arrest in connection with Crime No.570/2021 dated 26.08.2021 registered with M.I.D.C. Police Station, Tq. & Dist. Ahmednagar, for the offence punishable under Section 326, 323, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. G.R. Syed for the applicant and learned APP Mrs. V.N. Patil-Jadhav for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report lodged by V.D. Gaikwad would show that he has been allegedly assaulted by the applicant and co-accused at about 7.15 p.m. on 24.08.2021. Applicant is stated to have used the wooden stick to cause injury to the right arm of the informant. Perusal of the injury certificate issued initially by District Hospital, Ahmednagar would show that he had received injury to his hand and the X-ray of right humerus was advised. It appears that thereafter he got himself admitted to Dr. Vitthalrao Vikhe Patil Foundation's Medical College and Hospital. It is stated that the informant had fracture of right humerus and he had undergone operation. No doubt, the injury appears to be grievous but in order to attract the provisions of Section 326 of the Indian Penal Code with wooden stick which is not a weapon/instrument for shooting, stabbing or cutting, but should be a weapon of offence, which is likely to cause death. No doubt, the said stick is not recovered uptill now, but only for that purpose he need not be sent in the custody of the police. The police papers would show that the statements of the witnesses have been recorded and the investigation is almost complete. No criminal antecedents are shown. Under such circumstance, the interim granted by this Court on 22.12.2021 deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 Interim protection granted by this Court earlier to applicant vide order dated 22.12.2021, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Sahil Siraj Shaikh**, in connection with Crime No.570/2021 dated 26.08.2021 registered with M.I.D.C. Police Station, Tq. & Dist. Ahmednagar, for the offence punishable under Section 326, 323, 506 read with Section 34 of the Indian Penal Code, 1860, he be released on P.R. of Rs.20,000/- (Rupees Twenty Thousand only) with one or more sureties of like amount, if not already released.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the evidence of the prosecution, in any manner.

4 He shall co-operate with the investigation and should remain present before the Investigating Officer as and when called.

(**Smt. Vibha Kankanwadi, J.)**