

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

ANTICIPATORY BAIL APPLICATION NO.1595 OF 2021

Syed Ajaz Ali Syed Liyakat Ali,
Referred in FIR as
Shaikh Ajaz Shaikh Chootu

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Vivek Dhage Advocate for Applicant.
Mrs.Vaishali Patil-Jadhav, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 24th JANUARY, 2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.244 of 2021 registered with Police Station Kotwali, Parbhani, for the offence punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act.

2. Heard learned Advocate for the applicant and learned APP for the respondent - State.

3. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

4. Perusal of the First Information Report shows that it has been lodged by one Shaikh Lala Shaikh Babamiya in respect of the incident that had allegedly taken place at about 9.30 to 9.45 p.m. on 14th September 2021. It has been stated that the present applicant was one of the accused who was present and had obstructed the way of the informant. Co-accused Umar Pathan as to why he has purchased the plot which he wanted to purchase. Thereafter, he was abused. The other co-accused assaulted him by fists and kick blows. Accused Umar then by uttering words that the informant would be killed, gave blow of sword on the head of the informant causing injury to him. The present applicant then assaulted the informant by iron pipe on his left hand. One Jafar Pathan Babu Pathan assaulted the informant by means of rod on his leg. Accused Khamar Pathan assaulted the informant with stick. When other persons came

there, the assailants fled and thereafter the informant was shifted to Government Hospital, Parbhani, where he lodged the report.

5. Thus, it can be seen that the role attributed to the present applicant is that he has caused injury to the informant by iron pipe on his left hand. The injury that has been suffered by the informant is simple in nature as regards left hand is concerned. Section 307 of the Indian Penal Code then cannot be made applicable to him but that would be applicable to Umar Pathan, who allegedly used sword to cause injury over the head of the informant. The other Sections of the Indian Penal Code are bailable. Under such circumstance, the custody of the applicant is not required for the purpose of the investigation. He can be made available to the police for progress in the investigation. Therefore, the interim protection granted earlier deserves to be confirmed. Hence the following order:-

ORDER

- i) Application stands allowed.

ii) The interim protection granted by this Court by order dated 23rd December 2021 stands confirmed. It is clarified that in the event of arrest of the applicant - Syed Ajaz Ali Syed Liyakat Ali, referred in FIR as Shaikh Ajaz Shaikh Chootu, in connection with Crime No.244 of 2021 registered with Police Station Kotwali, Parbhani, for the offence punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act, he be released on bail on PR Bond of Rs.25,000/- with one or more sureties in the like amount.

iii) Applicant shall attend Police Station Kotwali, Parbhani on every Monday and Thursday between 10.00 a.m. to 2.00 p.m. till filing of the charge-sheet and co-operate with the investigation.

iv) Applicant shall not tamper with the evidence of the prosecution in any manner.

[SMT. VIBHA KANKANWADI , J.]