

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1155 OF 2022

Mosin Shaha Mansoor Shaha and another .**Vs.** State of Maharashtra, through P.S.O.,
P.S. Asegaon, Tq. Mangrulpir, Dist. Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R. Agrawal, Advocate for the applicants.

Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 06/10/2022

1. Heard.
2. The applicants are seeking bail in Crime No.34 of 2022, registered with Police Station Asegaon, District: Washim, for the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
3. The allegations are that a quarrel took place on a petty ground and the accused persons assaulted the injured. It is alleged that the applicant No.1 inflicted blow with knife on the head of the injured, whereas, the applicant No.2 assaulted from the blunt side of the axe on the shoulder of the injured.
4. At this stage, on expressing that this Court is not inclined to grant bail to the applicant No.1, who used

knife, the learned counsel for the applicants, on instructions, seeks permission to withdraw the present application qua the applicant No.1. He further prays for grant of liberty to move afresh, if there is no substantive progress in trial, in near future.

5. As far as applicant No.2 is concerned, he is 60 years of age and he is in jail from last three months.

6. Looking at the allegations made in the FIR, it can be seen that, the attack was not premeditated and the incident took place at the fit of rage.

7. In this case, the investigation is completed and the charge-sheet has been filed. In the circumstances, considering the injuries caused to the grandson of the complainant coupled with the age and the fact that, the investigation is completed, I am of the opinion that, applicant No.2 is entitled for grant of bail, though, the learned A.P.P. is opposing the present application. Accordingly, I pass the following order:

- a) The criminal application qua the applicant No.1- Mosin Shaha Mansoor Shaha is permitted to be **withdrawn** with liberty to move afresh after six months, if there is no substantive progress in the trial.

- b) The application qua the applicant No.2-Mansoor Shaha Gulab Shaha, is **allowed**.

It is directed that The applicant No.2 shall be released on bail in Crime No. 34 of 2022, registered with Police Station Asegaon, District: Washim, for the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant No.2-Mansoor Shaha Gulab Shaha, shall not enter into the territorial jurisdiction of Police Station Asegaon, Dist. Washim, till the culmination of the trial, except for trial.
- d) The applicant shall provide his address along with name of the nearest Police Station and shall attend the said Police Station on 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.

The criminal application is **disposed of** accordingly.

JUDGE