

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

**BAIL APPLICATION NO.55 OF 2023
WITH APPLN/562/2023 IN BA/55/2023**

**CHAND SHAH RAZAK SHAH
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. S. N. Dudhate
APP for Respondent No.1: Mr. S. B. Narwade
Advocate for the complainant : Mr. R. V. Gore

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**CORAM : S. G. MEHARE, J.
DATE : 07.02.2023**

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.
2. The applicant has been arraigned as an accused on the allegations that he stabbed the complainant/first informant on the stomach with a long knife. The learned counsel for the applicant would submit that the investigation has been completed. The alleged long knife has been recovered. Nothing remains to be investigated from the accused. He would point out that there are two medical certificates of same injured one shows the grievous injury and second shows a simple injury. Both injury certificates appear to have been

signed by the same officer raising suspicious over the medical certificates. Hence, he would argue that the prosecution case falls under the shadow of doubt. That apart, the injured was never admitted to the hospital. The incident happened in the spur of moment. The alleged weapons were available since it was the Mutton/chicken shop. There appears no intention to commit the crime. The applicant is languishing in the jail since about six months. Hence, he may be granted bail.

3. The learned A.P.P. and learned counsel for the applicant has vehemently argued that considering the role attributed to the applicant, he prevented the first informant from saving the life of the deceased. His role is apparently aggressive. He has mercilessly assaulted the first informant on his stomach. The contradictory medical certificates are immaterial for the reasons that for an offence punishable under Section 307 of the Indian Penal Code injury is immaterial. The applicant participated in the commission of murder of the maternal uncle of the first informant. They have shop near to each other, therefore, there is a great possibility of tampering with the prosecution witnesses. In the facts and circumstances of the case the application is devoid of the merit.

4. Perused the papers and the charge sheet. It is not in dispute that

an untoward incident happened for the reason of the rates of the chicken sold by the accused and the deceased Sabhir Shaha. There is no evidence on record that the first informant has received the injury of serious nature. Two contradictory medical reports helps the applicant at least for the purpose of bail. The apprehension of tampering with the prosecution witnesses in the mind of prosecution may be guarded by imposing certain conditions. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Chand Shah Razak Shah, be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. 220 of 2022 registered with Jafrabad Police Station, Dist. Jalna for the offences punishable under Sections 302, 307, 324, 323, 504, 506, 427 read with Section 34 of the Indian Penal Code on the conditions that :-
 - (a) The applicant shall not enter Jafrabad town for a period of three months from the date of his release.
- (iii) Criminal Application No. 562 of 2023 stands disposed of.

(S. G. MEHARE)
JUDGE