

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

BAIL APPLICATION NO.118 OF 2023

**TAHER BABU SHAH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Borulkar Avinash R.
APP for Respondents : Mr. S.B. Narwade

...
CORAM : S.G. MEHARE, J.

DATED : JANUARY 24, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has a case that the injured also assaulted the son of the applicant with deadly weapons. Though their report was first in time, till date no cognizance has been taken. It was a free fight. Therefore, the parties from both sides were injured. The applicant had no intention to kill. The charge sheet has been filed. There are no antecedents to his discredit. Hence, he may be granted bail.
3. Learned APP opposed the application. He would point out that the mother of the first informant has suffered grievous injury due to the knife assault by the applicant. The offence is serious. The applicant was aggressive. The prosecution would take the action on

the report of the wife of the applicant against the injured in this case in due course. That may not be a ground for bail.

4. Perused the charge sheet. It appears that the son of the applicant brought the knife from inside the house and assaulted the first informant. There are specific allegations against the applicant that he stabbed the mother of the first informant. Injury report reveals that the injuries were serious. Both were neighbourers. The circumstances does not permit this Court to exercise the discretion under Section 439 of the Criminal Procedure Code. Hence, the application stands dismissed.

(S.G. MEHARE, J.)