

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

921 BAIL APPLICATION NO.297 OF 2023
WITH APPLN/878/2023 IN BA/297/2023

**MOHAMMED YUNUS MOHIYODDIN S/O. HAFIZODDIN
FARUKHI INAAMDAR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Ms. Bodke Patil Poonam V.
APP for Respondent-State : Mr. S. P. Sonpawale.
Advocate for Complainant to assist APP : Mr. Bhosale M. K.

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CORAM : S. G. MEHARE, J.
DATE : 28.04.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the complainant.

2. The applicant is seeking bail in Crime No.159 of 2020, registered with Police Station Nanded Rural, District Nanded, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506, 188 of the IPC, Sections 3/25, 4/25, 4/27 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

3. It is a case of double murder. The applicant and the deceased were cousin. Both were running a medical shop. The applicant and his family had a settled business in medicine. The complainant had opened a new medical shop in front of the shop of the applicant and his family. Therefore, as alleged, the applicant and his family were annoyed. Both parties quarreled. As per the allegations, the applicant and his family called the deceased and the injured. They were armed with deadly weapons including fire arm. It has been alleged against the applicant that he fired the bullet at complainant. Complainant got bullet injury on his back. The counter report has also been lodged against the complainant and his relatives.

4. Learned counsel for the applicant would submit that the false allegations have been levelled against the present applicant. The other side was most aggressive. Hence, the incident happened. There are no antecedents to the discredit of the applicant. He is a peace loving man. But, due to the aggressive role played by the opponent, they had to protect themselves. The incident happened in the spur of moment. Therefore, there was no intention. The applicant is languishing in jail since long. Hence, he may be granted bail.

5. Learned APP and learned counsel for the complainant have strongly opposed the application. They would submit that the allegations are supported with the medical evidence. The applicant was holding the fire arm without any licence. They were prepared with the weapon before the incident happened. That shows their intention. There was no serious cause to commit such a serious offence. But, the applicant and his family was intending to show their power and they did not want a competitor in the business of medicine. They wanted their monopoly. With this ill motive, they killed two persons. The offence is apparently serious. The counter report is filed. Hence, bail may not be granted.

6. Two persons have lost the life in the quarrel which was for having no competitor in the medicine business. As far as the allegation against applicant, he fired at the complainant. The medical evidence supports the allegation that he suffered the bullet injury on his back. There was no reason to have such deadly weapons in the hands of the businessman. The applicant had no licence to use or carry the fire arm. This is one more circumstance against the applicant. The charge sheet

has been filed and the case is likely to open in near future. Considering the gravity of the offence, aggressive role of the applicant and the cause for the incident, it is not desirous to grant him bail.

7. Hence, the bail application stands dismissed.

8. Criminal Application No.878 of 2023 stands dispose of accordingly.

(S. G. MEHARE, J.)

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vmk/-