

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

**BAIL APPLICATION NO.490 OF 2023**

MIRZA SALMAN BAIG @ SHAMMU S/O. MIRZA ALIM BAIG  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. N. S. Ghanekar  
APP for Respondents: Mr. K. S. Patil

WITH  
CRIMINAL APPLICATION NO. 1224 OF 2023

SHAIKH ABDUL GAFAR SHAIKH MUKARRAM  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for the applicant : Mr. M. K. Bhosale  
APP for respondent No. : Mr. K. S. Patil

....

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

**DATE : 17.04.2023**

**PER COURT :**

1. Heard the learned counsel for the applicant, the learned A.P.P for respondent/State and the learned counsel for the complainant.

2. It has been alleged against the applicant that he assaulted the first informant with hilt of sword on his forehead. However, the injured did not have injury on forehead. The injury report placed on record shows that the injuries suffered to the

injured are on his left and right hand.

3. The learned counsel for the applicant agreed that there were cases against the applicant but those were not of the similar nature. The applicant is languishing in jail since 4<sup>th</sup> August 2022. The charge sheet has been filed. The alleged sword has also been recovered from the applicant. Barely not attending the trial may not be a hurdle and sufficient to refuse the bail. He prayed for bail.

4. The learned A.P.P. would argue that the antecedents to the discredit of the applicant is the evidence against the applicant to show his conduct. The applicant is repeatedly involved in the crimes.

5. The learned counsel for the complainant would argue that the applicant was absent before the Court in a Criminal trial for the offence punishable under Sections 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code. That during that period he has committed the present murder. Considering the antecedents and the involving repeatedly in the crimes, he does not deserve bail.

6. Perused the papers. The role attributed to the applicant is very limited. However, the allegations do not

corroborate by the medical evidence. The weapon has been recovered. Whether in the case pending before the trial Court, in which non bailable warrant was issued against him, the present applicant was the main assailant or not is the matter of the fact. Barely having crime to the discredit of the applicant/accused may not be the sole ground to reject the bail application. In the circumstances, the claim of the applicant appears to have good case for bail. However, certain conditions may be imposed. Hence, the following order :

**ORDER**

- (I) The Application is allowed.
- (ii) Applicant Mirza Salman Baig @ Shammu S/o Mirza Alim Baig be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No. 464/2022 registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 302, 307, 324, 504, 506 read with Section 34 of the Indian Penal Code on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.

- (b) The applicant shall attend the concerned police station on every first and last Saturday of the month

- between 2.00 p.m. to 4.00 p.m. till the conclusion of the trial.

- (c) He shall attend the trial on each and every effective date.
- (d) He shall not contact the victim and other witnesses till the conclusion of the trial.
- (e) He shall keep away himself from other co-accused till the conclusion of the trial.
- (iii) Criminal Application No. 1224 of 2023 stands disposed of.

**( S. G. MEHARE )**  
**JUDGE**

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