

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.491 OF 2023
WITH APPLN/1199/2023 IN BA/491/2023

HAKKANI KHAN S/O. AJMER KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Mangesh R. Jadhav
APP for Respondent/State : Mr. K. S. Patil
Advocate for complainant : Mr. Abhaysinh K. Bhosle
...

CORAM : S. G. MEHARE, J.

DATE : 06-04-2023

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 is seeking bail in Crime No.31 of 2023 registered with Karmad Police Station, Taluka and District Aurangabad, for the offence punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.
3. It appears that there was a dispute between the parties over the land and its boundaries. The incident happened when the complainant called the police inspector and the president of Tantamukti in the field. It appears that the applicant assaulted the injured on the spur of moment with stone. The applicant was not armed with weapon. There are no antecedents to his discredit. The learned counsel for the complainant states that there are

several non-cognizable cases filed against the family of the complainant as they threatened to injured. That shows that there are endless disputes between the parties. In the circumstances, the police ought to have taken a preventive action under Section 107 of the Code of Criminal Procedure, but this seems not done.

4. The learned counsel for the complainant states that the applicant and his family are not allowing them to use and enjoy their field. It seems to be a civil dispute. Be that as it may, the injured was discharged and nothing is to be recovered from the applicant. Considering the facts in toto, the Court is of the view that the application deserves to be allowed. Hence, the following order:-

- i) The application is allowed.
- ii) Applicant Hakkani Khan s/o. Ajmer Khan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.31 of 2023, registered with Karmad Police Station, Taluka and District Aurangabad, for the offence punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall stay away from village Adgaon Mahuli, Taluka and District Aurangabad, till filing the chargesheet.
- iii) Criminal Application No.1199 of 2023 stands disposed of.

(S. G. MEHARE, J.)