

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

ANTICIPATORY BAIL APPLICATION NO.563 OF 2023

SALAR HASAN SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. A. S. Barlota
APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JUNE 13, 2023

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 65 of 2023 registered with Pachod Police Station for the offences punishable under Sections 324, 326, 504, 506 read with Section 34 of the Indian Penal Code.

2. Shehnaz Shaikh gave information to the police that on 27.02.2023 there occurred a quarrel between her husband and Karbhari Shaikh over the issue of re-erecting the electric pole which had fallen in the agricultural field. Karbhari abused her husband and assaulted him with stick on his head. He also assaulted informant on her leg causing fracture injury to her. As far as present Applicants are concerned, allegations

against them is that they assaulted husband of the informant with sticks.

3. Learned Counsel for the Applicants states that as far as the Applicants are concerned, there is no allegation against them causing of any grievous injury to the informant or to her husband. It it stated that the incident has occurred spontaneously and it was a result of quarrel between two sides. He further stated that Applicants have no criminal antecedents. According to him, offence punishable under Section 326 of IPC cannot be attracted to the present Applicants.

4. Learned APP opposed the application with the submissions that the informant as well as her husband had sustained injuries. It is pointed out that informant sustained fracture injury which is grievous in nature.

5. Perusal of the FIR shows that the incident has occurred on 27.02.2023 was not pre-planned and it occurred spontaneously on account of re-erecting of fallen electric pole. Report further shows that there was quarrel between two parties. It is thus clear that

at this stage though it is alleged against present Applicants that they assaulted informant with stick, grievous injury caused to the informant cannot be attributed to them. This Court, therefore, finds *prima facie* substance in the contention of the learned Counsel for the Applicants that for want of attribution of serious offence punishable under Section 326 of IPC, Applicants liberty deserves to be protected. More particularly, in view of the fact that they have no criminal antecedents. Hence, appropriate directions to remain present before investigating officer for further investigation will be sufficient for effective investigation.

6. Hence, the order:

O R D E R

- (i) Application stands allowed.
- (ii) In the event of arrest of the Applicants in connection with Crime No. 65 of 2023 registered with Pachod Police Station for the offences punishable under Sections 324, 326, 504, 506 read with Section 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only)

each with one solvent surety in the like amount.

- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the prosecution witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani