

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

CRIMINAL APPLICATION NO.2396 OF 2022

Syed Ajaz Ali Syed Liyakat Ali
Referred in FIR as
Shaikh Ajaz Shaikh Chootu

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.D.A.Karnik, Advocate h/f. Mr.Vivek Dhage, Advocate for applicant
Mr.Y.G.Gujrati, APP for State

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : OCTOBER 20, 2023**

ORDER (*Per Sanjay A. Deshmukh, J.*):-

Heard.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicant prays for quashment of the FIR, being Crime No.0244 of 2021, registered with Kotwali Police Station, Parbhani, for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. Learned counsel for the applicant points out the order granting interim bail to the applicant. He submits that in the final order granting anticipatory bail dated 24.01.2023, in paragraph 5, this Court observed that Section 307 of Indian Penal Code cannot be made applicable to this applicant.

4. The FIR shows participation of the applicant in the crime. The injury certificate shows that there was grievous injury to the hand of the informant. There is *prima facie* material against him. The application sans merit. The same is rejected.

5. However, the trial court, at the time of framing of Charge, may consider, as to whether Section 307 of Indian Penal Code can be invoked against the applicants and others or not.

6. The application sans merit. The same is rejected.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP