

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

957 BAIL APPLICATION NO.1610 OF 2023

SHEKH SALIM (QURESHI) SHEKH JAMANJI
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Anand Vinayakrao Patil Indrale
APP for Respondents: Mr. S.B. Narwade.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 21st SEPTEMBER, 2023**

ORDER :-

The applicant seeks bail in connection with Crime No. 70 of 2023 registered with Mahur Police Station, District Nanded for the offences punishable under sections 307, 395 of the IPC and under Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 under Section 5(a), 5(b) of the Maharashtra Animals Protection Amendment Act, 1995.

2. The investigation was set in motion on the basis of the complaint of one Aatish Shankar Rathod, who alleges that on 29.6.2023, while he was alongwith his friend Sonu Chaudhari, they received information that a pair of oxen is being carried for the purpose of slaughtering. They went to the spot and found that one Sangam Gaikwad was carrying the oxen with him. On inquiry, he told that it belongs to Salim Qureshi. Thereafter, he called Salim Qureshi by giving a phone call. The accused Salim Qureshi alongwith other persons arrived at the spot and they were holding weapons like iron rod. Accused Salim

Autowala inflicted blow of iron rod on the head of Sonu Chaudhari and other accused persons gave him fist and kick blows. As such, they were injured. Further allegations are that accused persons have snatched the golden chain from the person of Sonu Chaudhari. On the basis of the aforesaid information, the offence was registered and accused persons were arrested.

3. The prayer of the applicant for release on bail has been rejected by the Sessions Court vide order dated 24.7.2023. The applicant is behind bars since 4.7.2023.

4. Mr. A.V. Patil Indrale, learned advocate for the applicant would submit that the investigation in the matter is complete. The Sessions Court has been pleased to release as many as 11 persons on bail. He would submit that the role attributed against the applicant is similar to the accused persons who are already released on bail. Therefore, considering the principles of parity, the applicant would be entitled for bail.

5. Learned APP, however, strongly opposes the plea for grant of bail. He would submit that applicant is the key person. He arrived on the spot alongwith others and the assault is made on the victim by all of them. Learned APP would invite attention of this court to the medical certificate and discharge card of the victim and submit that there are two injuries on vital parts of the victim and victim was required to take medical treatment for 7 days as an indoor patient.

6. Having considered the submissions advanced, apparently, the

applicant is behind bars for more than 7 weeks. Other accused persons are already released on bail vide order dated 24.7.2023 passed by the learned Sessions Judge, Nanded. The contents of the FIR shows that the main role in the assault against the victim is allegedly against accused Salim Autowala. There are general allegations against other accused persons. No specific role is attributed against the applicant in the incident in question. The investigation in the matter has substantially progressed. Further detention of the applicant may not be necessary. In that view of the matter, a case is made out for grant of bail. Hence, the order .

: O R D E R :

- (i) The Bail application is allowed.
- (ii) Applicant – Shekh Salim (Qureshi) Shekh Jamanji, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in connection with Crime No. 70 of 2023 registered with Police Station, Mahur, Dist. Nanded, for the offences punishable under 307, 395 of the IPC and under Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 under Section 5(a), 5(b) of the Maharashtra Animals Protection Amendment Act, 1995. on the following conditions :-
 - (a) The applicant shall not tamper with the prosecution evidence,
 - (b) He shall not establish contact with any prosecution witness.
 - (c) He shall attend the Police Station, Mahur, once in a week i.e. on every Sunday between 10.00 a.m. to 2.00 p.m.
- (iii) Application stands disposed of accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-