

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

BAIL APPLICATION NO. 1744 OF 2023

Vasim Majid Patel
Age: 34 years, Occu: Labourer
R/o: Khadka Road,
Patel Colony, Bhusawal,
Taluka Bhusawal, District Jalgaon

... Applicant

Versus

The State of Maharashtra
Through Police Inspector
Police Station – Bhusawal Bajarpeth
District Jalgaon

... Respondent

...

Mr. G. D. Jain, Advocate for the Applicant
Mr. K. S. Patil, APP for the Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.10.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.388/2023 registered with Bhusawal Bazarpeth Police Station, District Jalgaon for the offences punishable under Sections 326, 323, 506 read with Section 34 of the Indian Penal Code [for short 'IPC'].

3. The investigation was set in motion on the basis of complaint given by one Shaikh Shahrukh Shaikh Saleem, who alleges that, on 22/07/2023, he had been to his maternal aunt, who resides at Papanagar, Bhusawal. It is alleged that, his maternal aunt had quarrel with the Jaminbee Shaikh. The informant intervened and asked them that they shall not quarrel, financial transactions would be settled. However, at the relevant time, the accused persons arrived on the spot and threatened the informant. It is alleged that, the applicant hit an iron rod on the head of the informant. Because of that, he suffered the injuries and other accused persons assaulted him by fist and kick blows. On the basis of aforesaid report, Crime No.388/2023 came to be registered against the accused persons. The applicant has been arrested on 08/09/2023. Since then, he is behind the bars.
4. Learned Advocate appearing for the applicant would submit that although the incident in question is dated 22/07/2023, the FIR has been registered on 29/07/2023. The delay in lodging the FIR is not properly explained. He would submit that the applicant is behind the bars for more than one month. The investigation in the matter is almost completed. Further detention of the applicant would not be necessary. Hence, he urges to grant bail the applicant.
5. Learned APP however opposes the prayer for grant of bail on the ground that the informant has suffered grievous injury. He was required to be hospitalized. The applicant inflicted a blow on the vital part of the informant by using deadly weapon. The applicant

is likely to tamper the evidence / witnesses. He would further submit that two offences are already registered against the applicant, which show that, he is a habitual offender. As such, he prays for rejection of the bail.

6. Having considered the submissions advanced, apparently, there is delay of seven days in lodging the FIR. As per the contents of FIR, immediately after the incident, the applicant had been to police station. However, there is no material to support such averments. The informant was discharged from the hospital on 23/07/2023 but FIR is lodged belatedly. His medical certificate shows that he has suffered grievous injury but no fracture of skull is seen. There is no recovery of the weapon of offence or incriminating material from the applicant. The investigation in the matter is practically over. Further detention of the applicant may not be necessary. However, to secure the interest of prosecution, some conditions are required to be imposed to him. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, namely, Vasim Majid Patel, be released on bail in connection with Crime No.388/2023 registered with Bhusawal Bazarpeth Police Station, District Jalgaon for the offences punishable under Sections 326, 323, 506 read with Section 34 of IPC on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand Only) on the following conditions:
 - (a) The applicant shall not tamper with the prosecution evidence/ witnesses in any manner.

- (b) He shall not enter Bhusawal town till filing of charge-sheet except for attending the Court's date and Police Station.
 - (c) He shall attend the Bhusawal Police Station once in a week i.e. on every Saturday between 10:00 am to 2:00 pm.
 - (d) He shall not indulge in criminal activity.
- (iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer