



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2103 OF 2023**

**SHAIKH RIZWAN SHAIKH MAHEBUB
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. S. P. Waghchaure h/f Mr. N. S. Ghanekar, Advocate for the Applicant.

Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.365/2023 registered with City Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by one Jafarkhan Javed Khan, who alleges that on 31.10.2023 he had been to his friend Salimbhai Bekariwale. He parked his bike on the road in front of Milk Dairy near Balak Mandir School. While he was leaving the house of his friend, the accused Ajim Sayyed and the applicant arrived at the spot and objected for parking of the vehicle. There was altercation between the informant and the accused persons. Suddenly accused Ajim Sayyed took out knife and gave blow on informant's left eye whereas applicant/accused alleged to have given fist blows. Further accused Ajim Sayyed inflicted knife injury on the back of the first informant. In pursuance of the aforesaid crime, applicant was arrested on 01.11.2023. Since then, he is behind the bar.

3. The learned Advocate appearing for the applicant would submit that it is a case of sudden quarrel. The allegation of assault using knife is against accused Ajim Sayyed. The applicant is alleged to have given fist blows to the first informant. The applicant is behind the bar from 01.11.2023. Further detention of the applicant would not be necessary.

4. The learned APP opposes the prayer for grant of bail pointing out that the first informant has suffered serious injury probably causing loss of eye. Therefore, he opposes the prayer for grant of bail.

5. Having considered submissions advanced and on perusal of the FIR, apparently, the allegations against the applicant is that he has given fist blows to the first informant. It is not alleged that he was holding any weapon or anyway he was sharing any intention to cause grievous injury to the first informant. The incident took place because of trifle reasons of parking of the vehicle. The first informant and applicant had no previous acquaintance. The applicant is behind the bar for more than one month. His further detention is not necessary. In that view of the matter, case is made out for grant of bail. Hence, the following order:

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Shaikh Rizwan Sahikh Maheebub, be released on bail in Crime No.365/2023 registered with City Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall visit concerned Police Station once in a week i.e. on every Monday between 10.00 am to 02.00 pm till filing of the charge-sheet.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE