

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

BAIL APPLICATION NO.2009 OF 2023  
WITH APPLN/4269/2023 IN BA/2009/2023

BABBU SUBAN PATEL  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Manoj A. Dond  
APP for Respondents: Mr. A.S. Shinde.

**CORAM : S.G. CHAPALGAONKAR, J.**

**DATE : 1<sup>st</sup> DECEMBER, 2023**

**ORDER :-**

1. The applicant seeks regular bail in connection with crime No. 988 of 2023 registered with police station Newasa, District Ahmednagar for the offences punishable under sections 307, 323, 324, 504, 506 r/w. 34 of IPC.

2. The investigation was set in motion on the basis of the complaint given by one Shakil Nasir Shaikh. He alleges that on 8.10.2023 at about 8.30 a.m. while he was at Awaj Chicken Shop alongwith his brother Sameer, accused Firoz Khan Amir Khan Pathan met them. There was some altercation between him and his brother Sameer. At that time, accused Faiyaj Firoz Khan Pathan took out a knife and gave blow of knife to him and his maternal uncle Shaikh Javed Sikandar. Similarly, accused Firoz Khan Amir Khan Pathan caused injury by chopper to Sameer Shaikh.

3. On the basis of aforesaid information Crime No. 988 of 2023

came to be registered with Police Station Newasa, Dist. Ahmednagar for the aforesaid offences.

4. The applicant has been arrested in pursuance of the aforesaid crime on 9<sup>th</sup> October, 2023. Since then, he is behind bars. His prayer for grant of bail has been rejected by the Sessions Judge vide order dated 26.10.2023. Hence, this application.

5. The learned counsel for the applicant would submit that even taking the contents of the FIR as it is, no role is attributed against the applicant in actual assault on the victim. He would submit that the merely because the applicant was present at the spot, would not bring home his complicity in the commission of offence. There are direct allegations of inflicting injuries are against other accused persons. He would therefore submit that further detention of the applicant would not be necessary.

6. Learned advocate for the complainant so also learned APP strongly oppose the prayer for grant of bail. They would submit that presence of the applicant on the spot is apparent from the record. Further, the Chopper supplied by the applicant to the accused Firoz. Release of the applicant at this stage may give recurrence to similar offence.

7. Having considered the submissions advanced and on perusal of the documents, it can be observed that the allegations regarding assault to the victim are against accused Faiyaj Firoz Khan Pathan and Firoz Khan Amir Khan Pathan. The allegations against the applicant is

that he is the owner of Chicken Shop and he supplied chopper to the accused Firoz, which has been used by him while inflicting injuries to the deceased. Apparently, no specific motive is attributed against the applicant. It was a case of dispute between the assailants and the informant. The spot of the incident appears to be the Chicken Shop owned by the applicant. Therefore, in absence of any specific role in actual assault, the further detention of the applicant need not be continued. However, his release on bail would be subject to certain conditions. Hence, a case is made out for grant of bail.

#### O R D E R

- (i) The Bail application is allowed.
- (ii) Applicant – Babbu S/o. Suban Patel, be released on bail on furnishing PB. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in connection with No. 988 of 2023 registered with police station Newasa, District Ahmednagar for the offences punishable under sections 307, 323, 324, 504, 506 r/w. 34 of IPC., on the following conditions :-

[a] The applicant shall not tamper with the prosecution evidence.

[b] He shall attend each and every effective date of trial before the trial court.

[iii] The application stands disposed of.

**[S.G. CHAPALGAONKAR]**  
**JUDGE**

grt/-