

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 296 OF 2023**

SHEIKH ALTAF S/O SHEIKH SHERU (IN JAIL)

VS

STATE OF MHA. THR. PSO SAWANGI MEGHE DIST. WARDHA

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. Syed Ateeb, Advocate for Applicant.  
Mr. S.M. Ghodeswar, APP for Non-Applicant-State.

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**CORAM : ANIL L. PANSARE J.**

**DATE : 19/04/2023**

This application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. The applicant is arrested on 31/10/2022 in Crime No.596/2022, registered with Police Station, Sawangi-Meghe for the offences punishable under Sections 294, 307, 353 and 506 read with Section 34 of the Indian Penal Code.

2. It appears from the FIR that the applicant is involved in the business of selling country made liquor. The informant and some other villagers

approached the applicant. The mother of applicant was sitting in front of her house. The informant and her associate said as to why is she still continuing the liquor sell, to which she called the applicant. The applicant came from behind with knife in his hand and assaulted the informant, who in an attempt to save stomach injury, sustained injury to her hand. She however, sustained injury in stomach, but was not a deep wound. The President of Dispute Redressal Committee appears to have intervened, but he was also assaulted and sustained injuries on thigh.

3. With these allegations, the learned counsel for the applicant submits that the allegations against the applicant, even if accepted on its face value, it only indicates that because his mother was being abused, the applicant under the provocation has assaulted informant. The injury report indicates that the injuries sustained by informant and the President of Dispute Redressal Committee are simple injuries. The applicant is in jail since 29/10/2022. The chargesheet has been filed. The charge has not been framed. It will take time to commence and conclude the trial. On inquiry of antecedents, he submits that there are no criminal antecedents against the applicant. The applicant is residing with

her mother who owns the house and thus has strong roots in the locality.

4. Learned APP has opposed the application on the ground that there was no reason for the applicant to assault informant and another person by means of knife. The knife has been recovered at the instance of the applicant. However, considering the age of applicant, who is 21 years, according to him, the intention was quite clear and that informant was lucky that he did not sustain any grievous injury, hence prayed for order.

5. It appears that the applicant is the author of the injuries, but then the injuries are simple. The question whether he assaulted informant and another on provocation, is a matter of trial, however, considering the fact that the applicant is just 21 years old and has no criminal antecedents and since trial will take its own time to conclude and since nothing is to be recovered at the instance of the applicant coupled with the presumption that the person accused of commission of a crime is considered innocent until proven guilty, in my considered view, no fruitful purpose will be served by keeping the applicant behind bars. The interest of the prosecution can be protected by putting the

applicant to appropriate terms. Hence, the following order :-

**ORDER**

- (i) The application is allowed.
- (ii) Applicant – **Sheikh Altaf s/o Sheikh Sheru**, be released on bail, in Crime No.596/2022, registered with Police Station, Sawangi-Meghe, District–Wardha for an offence punishable under Sections 294, 307, 353 and 506 read with Section 34 of Indian Penal Code, on he furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The Applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the residence till the final disposal of the case.
- (iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not enter the jurisdiction of Sawangi-Meghe without prior permission of the Court, till the trial is over.

(vii) The Applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of in the above terms.

**JUDGE**

Gulande