



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 BAIL APPLICATION NO. 50 OF 2024

1. Shaikh Adil Shaikh Karim
2. Masud Ibrahim Qureshi
3. Shaikh Sharik Shaikh Rashid
4. Mahemud @ Sadulla Taher Khan Pathan
5. Shaikh Fardin Shaikh Salim
6. Shaikh Yunus Shaikh Shamshoddin

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

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Advocate for Applicants : Mr. Dhanraj S. Ingole h/f Mr.Ghanekar
Nilesh S.

APP for Respondent/State : Mr.Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 30th JANUARY, 2024.

PER COURT :-

1. Heard both the sides.
2. When this Court expressed its disinclination to allow the application to the extent of applicant nos.1 and 2, the learned advocate for the applicants, on instructions, seeks leave to withdraw the application to their extent. Leave granted. The application is disposed of as withdrawn to the extent of applicant nos.1 and 2.
3. Applicant nos.3 to 6 are seeking bail in connection with crime No. 0336 of 2023 registered with Umri Police Station, District Nanded, for the offences punishable under sections 307, 327, 143,

147, 148 and 149 of the Indian Penal Code.

4. Informant Maruti Shinde averred in the report that co-accused Shaikh Adil tried to drove tempo on his person in order to commit his murder. That time, co-accused Shaikh Adil sustained injuries to his cheek while opening the door of the tempo. The applicants and co-accused started to assault him. Therefore, the informant and his two friends started to run towards the bus Stand. The applicants and other co-accused followed them. They caught hold the informant. Co-accused Adil Shaikh assaulted on his head by dagger. Another co-accused Masud assaulted on his head by tile. He sustained serious injuries. Blood was oozing. He fell down. Other accused – applicants also assaulted him by fists and kicks blows. That time, one of the accused-applicant caused injury to the cheek of the informant with the help of weapon. They lastly assaulted informant and other by leather belt and by fists and kicks blows. The informant was admitted in the hospital at Umri. Thereafter he was admitted in the Civil Hospital, Nanded. Thereafter, he lodged report on 02.12.2023.

5. The learned advocate for the applicants pointed out the counter report registered by the co-accused Shaikh Adil Shaikh Karim on 02.12.2023, in which it is alleged that the informant assaulted him by dagger.

6. The learned advocate for the applicants submitted that the

practical investigation is over. Trial would take long period. The role of the applicants does not show that they were having any weapon. He, therefore, prayed for granting for bail.

7. The learned APP for the respondent/State has strongly opposed the application and pointed out the injury certificate showing the injuries sustained to the informant. He submitted that the investigation is not over. Therefore, the application be rejected.

8. Perused the papers of investigation. It is alleged that the applicants have assaulted the informant and others by fists and kick blows. Prime accused Shaik Adil and Masud assaulted informant by dagger and tiles, therefore, he sustained serious injuries. Considering the role of these applicants and fact that they have roots in the society, they will not flee away from the trial, the application, therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. Applicant nos.3 to 6, in connection with crime No. 0336 of 2023 registered with Umri Police Station, District Nanded, for the offences punishable under sections 307, 327, 143, 147, 148 and 149 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicants shall not enter into village Umri, Tq. Umri, Dist. Nanded till the conclusion of trial except the dates on which their presence is required in the Court.

(SANJAY A. DESHMUKH, J.)

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