



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1023 BAIL APPLICATION NO. 94 OF 2024

Shaikh Jamil Shaikh Hasan Manyar
VERSUS
The State of Maharashtra and another

...

WITH
BAIL APPLICATION NO. 95 OF 2024

Shaikh Karim Shaikh Harun Manyar
VERSUS
The State of Maharashtra and another

...

Advocate for Applicant : Mr. Sandip R. Andhale
APP for Respondents: Mr. Mukesh K. Goyanka
Advocate to assist A.P.P. in BA No. 94/2024: Ms. Pritam P. Jadhav

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 13th FEBRUARY, 2024.

PER COURT :-

1. These are the applications for granting bail under section 439 of Cr.P.C. in connection with crime No. 0478 of 2023 registered with Raver police station, District Jalgaon for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of I.P.C. Their applications with similar prayer bearing criminal bail application No. 795 of 2023 and 797 of 2023 came to be rejected by the learned Additional Sessions Judge, Bhusawal, vide order dated 01.01.2024.

2. It is averred in the report that a quarrel took place between two groups on account of sharing of water. Both the parties have

assaulted on each other. Therefore, there was counter reports against each other. Some of the accused are released on bail. Some of the accused are in custody.

3. Learned advocate for the applicants submitted that the applicant in bail application No. 94 of 2024 viz. Shaikh Jamil is concerned he is young boy of 19 years old. He has no criminal antecedents. A stick is recovered from him. At the most, offence under Section 323 of I.P.C. can be made out against him.

4. Learned advocate for the applicants submits that in so far as the applicant in bail application No. 95 of 2024 viz. Shaikh Karim is concerned, he is 62 years old and he is falsely implicated in the crime. Nothing is recovered from him. The practical investigation is over. Considering all these aspects, he prayed for allowing the applications.

5. Learned A.P.P. for the respondent-State and learned advocate to assist the A.P.P. submitted that the applicants are involved in serious crime and injured persons have sustained serious injuries. A stick is seized from the applicant Jamil by which he assaulted the Ashpak, one of the injured. The injury certificates are pointed out. The statements of witnesses recorded under Section 164 of Cr.P.C. are also pointed out. The investigation is not over. Therefore, it is lastly prayed to reject the applications.

6. Perused the papers of investigation and report as well as the counter report registered on behalf of applicants' side. Both the parties have assaulted each other. The applicant Jamil has used a stick which is recovered at his instance under Section 27 of the Indian Evidence Act. As far as the applicant Shaikh Karim is concerned, he is 62 years old and there is no any recovery at his instance.

7. The applicants have no criminal antecedents. They have roots in the society. They will not flee away from the trial. The trial will take long period. Practical investigation is over. Considering all these aspects, the applications deserve to be allowed. As far as the applicant Jamil is concerned, some stringent conditions are required to be imposed upon him. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in both the bail applications in connection with crime No. 0478 of 2023 registered with Raver police station, District Jalgaon for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-

- a) The applicant Shaikh Jamil Shaikh Hasan Manyar in bail application No. 94 of 2024 shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant Shaikh Jamil Shaikh Hasan Manyar in bail application No. 94 of 2024 shall not enter into village Raslpur, Tq. Raver, district Jalgaon, till filing of the charge sheet.

(SANJAY A. DESHMUKH, J.)

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