



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

953 BAIL APPLICATION NO. 188 OF 2024

SHAIKH SHAHED SHAIKH SAGIR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Azizoddin R. Syed.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 21st February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.1052 of 2023, registered with Sadar Bazar Police Station, District Jalna, for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 and 506 of Indian Penal Code and under Sections 4 and 25 of the Arms Act.

3 It is averred in the report that the informant alongwith his father were proceeding. That time, main accused Shaikh Lateef came there. The father of informant demanded him Rs.25,000/-, which he paid him as hand loan. That time accused No.1 Shaikh Lateef threatened and abused him and also warned him that he shall not

demand that amount again. Therefore, the informant and his father went to their garage. That time, seven persons including this applicant went there with the auto-rickshaw of Shaikh Lateef. They assaulted the informant and his father by sword and iron rod. Some of the co-accused assaulted them by fist and kick blows. The father of informant sustained serious injuries to his head. The report was immediately lodged.

4 The learned counsel for applicant submitted that from the report, the role of this applicant is not specifically spelled out. At the most, he might have participated in the crime by fist and kick blows. There is no such *prima-facie* evidence against him. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out that this applicant has criminal antecedents and he was arrested in Crime No.685 of 2023, registered with Sadar Bazar Police Station, for the offences punishable under Sections 307, 143, 147, 148 and 149 of the Indian Penal Code. It is lastly prayed to reject the application.

6 Perused the papers of investigation. The father of informant sustained grievous injuries to his head and he was admitted in hospital for more than 22 days. The role of this applicant is that he

participated in the crime and assaulted by fist and kick blows. His full name is not mentioned in the report. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.1052 of 2023, registered with Sadar Bazar Police Station, District Jalna, for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 and 506 of Indian Penal Code and under Sections 4 and 25 of the Arms Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not indulge in similar activities again.
 - d) The applicant shall not enter into Jalna city, except for the dates fixed for hearing in this case and another case, for one year. It means, on the dates of hearing, the applicant shall not even enter into the area of Shershah Colony, Jalna as well as his residential area of Walli Manu Dargah, Jalna.

- e) If the applicant commits breach of any of the above conditions, the investigating officer / concerned police station / prosecution is at liberty to file application for cancellation of bail of this applicant before the Trial Court. If such an application is moved, the Trial Court is at liberty to decide the said application on merits without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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