



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 BAIL APPLICATION NO. 649 OF 2024

Abdul Rajjak Abdul Wahid Alishaikh

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Manoj D. Shinde

APP for Respondents: Mrs. Pratibha J. Bharad

.....

CORAM : SANJAY A. DESHMUKH, J.

DATED : 7th MAY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 815 of 2023 registered with Nanded Rural police station, District Nanded for the offences punishable under Sections 307, 324, 323, r.w. 34 of the I.P.C., under Sections 3/25 and 3/27 of the Arms Act and under Section 135 of Maharashtra Police Act. His application with similar prayer bearing criminal bail application No. 168 of 2024 came to be rejected by the learned Additional Sessions Judge-3, Nanded vide order dated 30.03.2024.

2. It is averred in the report that on account of plot, a quarrel took place between the two groups in which Mohd. Rafique Shaikh sustained injuries and therefore, the informant lodged the report.

3. Learned advocate for the applicant submitted that it was

quarrel between the informant and father of the injured. He submitted that the parties have compromised their dispute and they have filed an application for quashing of the said crime. He pointed out the affidavit of the informant and the injured Mohd. Rafique Shaikh. The applicant has roots in the society, he will not flee away from the trial. Considering all these aspects, it is lastly prayed to grant bail.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime and tried to commit murder of the injured. Section 307 of I.P.C. is invoked against the applicant. If the applicant is released on bail, the possibility of commission of crime of similar nature cannot be ruled out. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the injury certificate alongwith the statement of the injured and other witnesses. The informant and injured both are present before this court. They submitted that the matter has been compromised between them and they have filed an application for quashing of the report before the Division Bench of this Court. Apart from this, considering the peculiar facts of the case, the further custody of the applicant is not necessary. The applicant has roots in the society, he will not flee away from the trial, the trial will take a long period. The application therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 815 of 2023 registered with Nanded Rural police station, District Nanded for the offences punishable under Sections 307, 324, 323, r.w. 34 of the I.P.C., under Sections 3/25 and 3/27 of the Arms Act and under Section 135 of Maharashtra Police Act be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

rlj/