



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 ANTICIPATORY BAIL APPLICATION NO. 644 OF 2024

Shaikh Altaf Shaikh Yakub

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Murlidhar S. Karad

APP for Respondents: Mrs. Rani R. Tandale

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CORAM : SHIVKUMAR DIGE, J.
DATED : 1st AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 397 of 2021 registered with Kinwat Police Station, district Nanded, for the offences punishable under Sections 307, 323, 143, 147, 148, 149 and 506 of the Indian Penal Code.

2. It is the prosecution's case that 31.12.2021, around 9.00 a.m. when the informant was present in his house with his wife and son, at that time, he saw that accused No.1, by eating Gutkha, was spitting on the wall of his house. When the informant reprimanded accused No.1 not to do such act, then it is alleged that accused No.1 told him that he has no right to stay in that house. The accused No.1 went and came back with the applicant and co-accused with wooden stick and axe. It is alleged that co-accused Shaikh Siraj was holding the

axe in his hand and co-accused Shaikh Akhtar caught the informant and Shaikh Siraj assaulted and gave a blow of axe on the head of the informant with intention to kill him. It is alleged that at the relevant time, the applicant assaulted the informant and his wife with wooden stick. Due to shouts of the informant and his wife, some people came there. Then the applicant and co-accused ran away from the spot of incident.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he assaulted the informant and his wife with wooden stick. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was part of the group who assaulted the informant and his wife. The applicant and the co-accused assaulted the informant with axe on head with an intention to kill him. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and

the police papers produced on record. The allegations against the applicant are that he assaulted the informant and his wife with wooden stick. No injury certificate of the wife is produced on record whereas the injury certificate of the informant shows that he had suffered simple injuries. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 22.04.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/