



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 ANTICIPATORY BAIL APPLICATION NO.840 OF 2024

SHAIKH ASEF SHAIKH KHAJA

VERSUS

THE SUPERINTENDENT OF POLICE, PARBHANI &
ANOTHER

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Advocate for Applicant : Mrs.S.P.Chate
APP for Respondent-State : Mrs.R.P.Gaur

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CORAM : SHIVKUMAR DIGE, J.

DATE : 12.06.2024

P.C. :

1] The applicant apprehends arrest in connection with Crime No.0149/2024 registered with New Mondha Police Station, Parbhani, for the offence punishable under Sections 307, 326, 324, 504 r/w. 34 of the Indian Penal Code [for short 'IPC'] and section 4/25 of the Arms Act.

2] It is the prosecution case that on 26th March, 2024 at around 7.30 p.m. the informant – Sohel Khan had gone along with his wife to the house of his brother-in-law. When he was returning on motorcycle, at that time his motorcycle gave dash to one minor girl. He stopped his motorcycle and was picking up that minor girl. At that time, the applicant and co-accused came there and they assaulted him with kicks and fist blows questioning why he

dashed to that minor girl. It is further alleged that the applicant pressed the neck of informant and abused him and he also manhandled. Thereafter informant's maternal brother Ali Khan came there. Informant left incident spot. After sometime, informant came at the spot of incident to search his mobile. At that time, co-accused, namely, Sajid Shaikh abused the informant and assaulted him with sword on his left side of chest and stomach with an intention to kill him. The applicant and co-accused also assaulted maternal brother of the informant. It is further alleged that the applicant assaulted the informant with wooden stick on his back.

3] It is contention of the learned counsel for the applicant that co-accused have been released on bail by the Sessions Court. The allegations against the applicant are that he assaulted the informant with wooden stick. The nature of injuries caused to the informant is of simple nature. The applicant has been falsely implicated in this case. Custodial interrogation of the applicant is not required. Hence, he requested to allow the application.

4] It is contention of the learned APP for the respondent – State that the applicant was the part of the group, who assaulted the informant. The co-accused assaulted the informant with sword, which shows that the applicant and co-accused had intention to kill the

informant. The applicant had pressed the throat of the informant and assaulted him with stick. Custodial interrogation of the applicant is required for recovery of the stick used in the crime. Hence, requested to reject application.

5] I have heard both the learned counsel. Perused the FIR and police papers produced on record. The allegations against the applicant are that he assaulted the informant with wooden stick. The injury certificates of the informant and his maternal brother Ali Khan show that nature of injuries are simple. The co-accused, against whom, allegations are that he assaulted the informant with sword, has been released on bail. Considering the allegations made against the applicant, custodial interrogation of the applicant is not required and I pass the following order :

ORDER

I] The application is allowed.

II] In the event of arrest of the applicant in connection with Crime No.0149/2024 registered with New Mondha Police Station, Parbhani, for the offence punishable under Section 307, 326, 324, 504 r/w. 34 of the Indian Penal Code [for short 'IPC'] and section 4/25 of the Arms

Act, he be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :

a] The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

III] Parties to act upon authenticated copy of this order.

[SHIVKUMAR DIGE]
JUDGE

DDC