



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

1012 ANTICIPATORY BAIL APPLICATION NO. 1253 OF 2024

ASIM YUNUS SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Naik Sarvesh Jaipal

APP for Respondent/State : Mr. P.P. Dawalkar

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 14th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.27 of 2024 registered with Police Station, Majalgaon (City), Dist. Beed, for the offences punishable under sections 307, 323, 504, 506 of the Indian Penal Code (For short, "IPC") and section 25(4) of Arms Act, 1959.
2. It is prosecution's case that there was dispute between informant and his wife. On 26th January, 2024 around 1:30 p.m., informant had gone to bring his wife for cohabitation, at that time, there was quarrel took place between in-laws of the informant and informant. It is alleged that in that quarrel, the applicant and co-accused assaulted the informant with fist and kick blows and rubber pipe. It is alleged that the applicant gave blow of knife on the right side of the chest of the informant with intention to kill him.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The matter is settled

between the informant and applicant and co-accused. Informant has filed affidavit in that regard before the Sessions Court, but the learned Sessions Court has not considered it. Investigation is completed and requested to allow the application.

4. It is contention of the learned APP that the applicant assaulted the informant with knife with an intention to kill him. The injury certificate supports the contentions of the informant. Though the matter is settled, it can not be a ground to grant bail to the applicant. 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 police papers produced on record.

6. The allegations against the applicant are that he assaulted the informant with knife on right side of his chest. It appears that the informant had filed affidavit before the Sessions Court stating that under the influence of liquor he fell on ground and he suffered injuries. So it is not clear, if he has suffered injuries by assault given by the applicant or due to felling on the ground. Considering these facts, 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 FIR

No.27 of 2024 registered with Police Station, Majalgaon (City), Dist.Beed, for the offences punishable under sections 307, 323, 504, 506 of the Indian Penal Code and section 4 and 25 of Arms Act, 1959, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga