



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

93 ANTICIPATORY BAIL APPLICATION NO. 1394 OF 2024

1. Shaikh Mohammad Shaikh
Shahamohammad (withdrawn)
2. Shaikh Faizan Shaikh ...Applicants

Versus

The State of Maharashtra ...Respondents

...
Advocate for Applicants : Mr. Swapnil A. Deshmukh
APP for Respondents: Mr. C.V. Bhadane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application on behalf of applicant No.1. Considering the submission of learned counsel for the applicants, leave granted. The application to the extent of applicant No.1 is disposed of as withdrawn.

2. Insofar the applicant No.2 is concerned, he apprehends arrest in connection with crime No.207 of 2024 registered with Ambad Police Station, district Jalna, for the offences punishable under Sections 307, 324, 504, 506 r.w. 34 of the Indian Penal Code.

3. It is the prosecution's case that on 19.04.2024 when the informant and his family members had gone for attending the funeral, at that time, he received a call from his younger brother stating that some persons are creating ruckus in front of his house. Hence, the informant came to his house. He saw that the applicant and co-accused were sitting in front of his house. The informant told them not to sit there, as the death has been caused in his house. It is alleged that the applicant and co-accused got furious and the applicant assaulted the informant's brother with iron pipe. Due to the said assault, the informant's brother was injured. Hence, the informant alongwith his brother went to the police station and lodged the complaint. It is alleged that thereafter, when the informant came to the house at that time, co-accused assaulted the informant with sword with intention to kill him.

4. 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's brother with iron pipe and the injury sustained by the informant's brother is simple in nature. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP that the applicant assaulted the informant's brother with iron pipe with intention to kill him. The other co-accused assaulted the informant with sword. It shows that they were sharing common intention. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

6. 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's brother with iron pipe. The injury certificate of the informant shows that he had suffered simple injury. 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) In the event of arrest of the applicant in connection with crime No.207 of 2024 registered with Ambad Police Station, district Jalna, for the offences punishable under Sections 307, 324, 504, 506 r.w. 34 of the Indian Penal Code, 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 condition :-

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

(b) The applicant shall produce the iron pipe used in the crime before the investigating officer.

(SHIVKUMAR DIGE, J.)

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