



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 ANTICIPATORY BAIL APPLICATION NO. 1409 OF 2024

Shahebaj Jafar Momin

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Zambare Sudheer Ramdas

APP for Respondents: Mr. S.B. Narwade

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CORAM : SHIVKUMAR DIGE, J.
DATED : 27th AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.173 of 2024 registered with Peth Beed Police Station, district Beed, for the offences punishable under Sections 323, 326 r.w. 34 of I.P.C. and under section 4, 25 of Arms Act.

2. It is the prosecution's case that on 18.6.2024 at around 8.30 p.m. when the informant and his friend were going towards the hospital, at that time, the applicant and co-accused met them in Hiralal Chowk and asked the informant to give amount for drinking the liquor. When the informant told him that he had no amount with him, on that count, accused Nos. 2 and 3 assaulted the informant with sword and iron rod and injured him. It is alleged that the applicant has assaulted the informant with razor blade on his right

hand.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The informant had sustained injuries due to sword and iron rod and he has not sustained any injury by the blade. 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 assaulted the informant with blade. The applicant was the part of group who assaulted the informant. The informant has sustained grievous injury due to the assault by the applicant and co-accused. The applicant has criminal antecedents. 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. In the F.I.R. the allegations against the applicant are that he assaulted the informant with blade on his right hand. The injury certificate of the informant shows that he had suffered grievous injuries on his face and nose. The informant has not received any injury by the blade. 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.173 of 2024 registered with Peth Beed Police Station, district Beed, for the offences punishable under Sections 323, 326 r.w. 34 of I.P.C. and under section 4, 25 of Arms Act, 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.

(SHIVKUMAR DIGE, J.)

rlj/