



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

998 ANTICIPATORY BAIL APPLICATION NO. 1431 OF 2024

Shaikh Siraj Shaikh Akhil

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Karad Murlidhar S

APP for Respondents: Mr. C.V. Bhadane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 5th SEPTEMBER, 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 the applicant was holding the axe in his

hand and co-accused Shaikh Akhtar caught the informant and the applicant 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 co-accused 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 with axe on his head. The injury sustained by the informant is simple in nature. 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 assaulted the informant with axe on his 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 with axe on his head. 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) In the event of arrest of the applicant 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, 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.)

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