



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1639 OF 2023

Sadar Amir Sayyed

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. S.S. Jadhav, Advocate for applicant.

Mr. R.B. Dhaware, APP for respondent.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 217/2023, registered with Kannad City Police Station, Aurnagabad Rural, for offences punishable under sections 307, 324, 323, 143, 147, 148, 149 and 504 of Indian Penal Code and under section 37(1) and 135 of Maharashtra Police Act.

2. FIR is lodged by Sayyed Sadiq Sayyed Kadar alleging that applicant's agricultural land is adjacent to his land. Civil dispute pertaining to land Gut No. 7/A,B,C, situated at Makranpur Shivar is pending in Court. On several occasions, quarrel and dispute arose between them on the count of land. On 02.09.2023, at about 4.00 pm, informant was working in the

Bhagyawant Punde

field. At that time, applicant, Mahemood Sadar Sayyed, Samir Sadar Sayyed, Shoeb Sadar Sayyed, Fayyaz Gani Shaikh, Gaffar Gani Shaikh, Ayaz Gani Shaikh, Agya Sayyed Yusuf, Javed Sayyed Yusuf, Baba Sayyed Yusuf and Kalim Chand Qureshi brought his brother Sayyed Saber in the field. Co-accused Kalim Shaikh Chandu Qureshi and Samir Sadar Sayyed assaulted by axe on the head of Sayyed Saber, due to which he sustained bleeding injury on his head and fell on the ground. Applicant inflicted blows of rod on the hands and legs of Sayyed Saber. Co-accused Mahemood Sadar also assaulted Sayyed Saber by means of tommy. Shoeb Sadar assaulted Sayyed Saber by handle of axe. Rest of persons assaulted his brother by means of fist and kick blows and threatened to kill him.

3. Heard learned advocate for applicant and learned APP for respondent. Perused the investigation papers.

4. Charge sheet is filed in the present crime on 28.11.2023. Role attributed to applicant is that applicant assaulted with iron rod on the hands and legs of informant's brother Sayyed Saber. Perusal of injury certificate filed along with charge sheet does not show corresponding injuries on the hands and legs of Sayyed Saber. He has suffered one CLW on

left temporal region and fracture of left frontal bone. These injuries are not attributed to present applicant. Applicant is 67 years old and is taking treatment for paralysis.

5. Considering the age of applicant and the fact that charge sheet in the present crime is already filed and as nothing is to be recovered from applicant, his pre-trial custodial detention is not necessary.

6. In the result, application is allowed by confirming interim protection order dated 12th October, 2023.

[NITIN B. SURYAWANSHI, J.]