



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

929 BAIL APPLICATION NO. 1583 OF 2024

HAKKANI KHAN AJMER KHAN
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Jadhav Mangesh R.
APP for Respondent/State : Mr.A.S. Shinde

...

WITH
CRIMINAL APPLICATION NO. 4070 OF 2024
IN BA/1583/2024

IMRAN KALANDAR SHAH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr.Sohail Subhedar Shaikh h/f Mr.Ghanekar
Nilesh S.
APP for Respondent/State : Mr.A.S. Shinde

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CORAM : S. G. MEHARE, J.
DATE : 18th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel the first informant.
2. The applicant seeks bail in Crime No.211 of 2024 registered with MIDC Police Station, Dist. Aurangabad, for the offences punishable under sections 307, 341 read with 34 of the Indian Penal Code and sections 37(1) and 135 of the Maharashtra Police Act.
3. The applicant and injured are relatives. The applicant was the co-accused in the earlier report lodged against him. This incident happened after granting him bail. The applicant assaulted the injured

with an axe and while assaulting him, the applicant was saying why his father is not taking case back filed against him for the offence punishable under section 307 of the Indian Penal Code. The incident happened in front of the policeman. The another person was also assaulted with iron rod.

4. The learned counsel for the applicant would submit that though the policeman was present there, he did not state that the applicant assaulted the injured. He would submit that the applicant has been falsely implicated in the crime since he was co-accused in the earlier crime. Nothing is to be recovered from him. He is young boy of 28 years. He has a good future. Possibility of false implication cannot be ruled out. It has also been argued that he also received the injuries in the said incident.

5. Per contra, the learned APP and the learned counsel for the victim would submit that the applicant has violated the bail conditions of the earlier order of this Court. Immediately after his release from the earlier crime, he committed another serious crime. He was armed with deadly weapon. Therefore, his case that he was also assaulted cannot be considered. Besides, his injuries are not mentioned in the arrest panchanama. Immediately, after the incident, he fled away. The injured is the best witness. The applicant is relative of the injured. Hence, was no mistake in identifying him. Considering the conduct of the applicant, it is not safe to release him on bail.

6. It is a fact that in the earlier crime, the bail was granted to him conditionally. However, he did not respect the bail conditions and again committed serious offence. He has caused serious injuries to the injured with a deadly weapon. Story of self defence cannot be considered at this juncture for want of immediate explanation. Considering the conduct of the applicant and his aggressiveness, it would not be safe to grant him bail. Hence, the application is dismissed.

7. Criminal Application no. 4070 of 2024 stands disposed of.

(S.G. MEHARE, J.)

sga