



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 525 OF 2024

Yunus Khan Aziz Khan

Vs.

State of Maharashtra, Thru. PSO Daryapur, Amravati

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.N. Ali, Advocate for applicant.
Mr. M.J. Khan, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 03.08.2024

The applicant came to be arrested on 08.04.2024 in connection with Crime No.158/2024 registered with Police Station Daryapur, District – Amravati, for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of the report lodged by Sultana Parveen Jamil Khan, who is wife of the injured, on an allegation that there was a previous dispute between the injured and the present applicant. On 16.03.2024, she received the message with her husband was assaulted by the present

applicant and other co-accused. Therefore, she immediately rushed to the spot of incident and saw her husband, sustained bleeding injuries, she has immediately removed from the hospital. During the statement of the injured, it reveals that the quarrel was started between the present applicant and the other co-accused and the injured as one of the accused was staring at the injured and on that count, it is alleged that the present applicant has given repeated blows on the head of the injured. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the further incarceration is concerned, investigation is already completed and it is not required. He further submitted that now injured is also discharged from the hospital and there is no apprehension of death. Now, investigation is already completed, charge-sheet is filed, in view of that, the applicant be released on bail.

4. Learned APP strongly opposed that the said application on the ground that from the statement of the injured and the medical certificate, it reveals that repeated blows on the head by the

present applicant on the vital part of the body, if applicant-accused is released on bail, there is apprehension of repetition of similar types of the offence in future. In view of that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State. Perused the investigation papers from which it reveals that now, the investigation is completed, charge-sheet is filed, the injured is also discharged from the hospital, there is only apprehension that the applicant if released on bail, he would commit the similar types of the offence. Considering the apprehension raised by the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:-

ORDER

(a) The criminal application is allowed.

(b) The applicant **Yunus Khan Aziz Khan** shall be released on bail in connection with Crime No.158/2024 registered with Police Station Daryapur, District – Amravati, for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code, on executing PR

bond of Rs.25,000/- with one surety in the like amount.

(c) The applicant shall not enter into the vicinity of Daryapur, till the culmination of the trial.

(d) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(e) The contravention of any of the condition would lead to the cancellation of the bail.

6. The criminal application is disposed of.

(SMT. URMILA JOSHI PHALKE, J)