



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.547 OF 2024
(Danish Ahmad Shaikh Hamid Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Abdul Subhan, Advocate for the applicant.
Mr. G. Umale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 27, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 22/05/2024 in connection with Crime No.393/2024 registered with Police Station Buldhana, District Buldhana for the offence punishable under Sections 307 and 324 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that as per the prosecution case on 21/05/2024 when informant and his friend were chitchatting about the cricket match at the relevant time, the applicant suspected that he was abused, and therefore, he came holding knife in his hand and gave a blow of knife on the back and left hand of the informant, due to which he sustained the injuries. He was immediately shifted to the hospital. On the basis of said report, police have registered the crime.

3. He submitted that in fact the informant and his friend were three in number whereas the present applicant was roamed. He is implicated falsely in the alleged offence as the informant has sustained the injury due to the other reason. He submitted that the applicant is a student as well as patient of Asthama. Now, investigation is practically completed, the injured is discharged from the hospital within four days, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that the investigation is still in progress. Considering the circumstances under which the alleged incident has taken place. The injured has sustained the grievous injuries. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for the both the parties. Perused the investigation papers from which it reveals that due to the trifle reasons there was a quarrel between the informant and the present applicant and present applicant has given a blow by knife on the back and the hand of the deceased. As far as the injuries are concerned which are already healed. The injured is already discharged from the hospital. The investigation is practically completed though the charge-sheet is not filed. Considering further incarceration of the present applicant is not required, the application deserves to be allowed.

Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Danish Ahmad Shaikh Hamid shall be released on bail, in connection with Crime No.393/2024 registered with Police Station Buldhana, District Buldhana for the offence punishable under Sections 307 and 324 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)