



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

CRIMINAL APPLICATION (BA) NO.876 OF 2024

Sattar Khan Musa Khan Pathan and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Umarkhed, District Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S. S. Sheikh, Counsel for the applicants through video conferencing.
Mr. S. V. Narale, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18 /10/2024

1. The applicant No.1 came to be arrested on 07.07.2024 and applicant No.2 arrested on 09.07.2024 in connection with Crime No.398/2024 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Rohit Satish Shahane on an allegation that on 01.06.2024 at about 8.30 p.m. when he was roaming and proceeding to the shop of Amol Maroti Bichewar, at the relevant time, present applicants came on motorcycle and hold Ritesh Tiwari and gave a blow of knife on the ribs of said Ritesh Tiwari. The role of giving the knife blow is attributed to the applicant No.2 - Saddam. Due to the said knife blow, he has sustained the grievous injury, immediately he was taken to the hospital. On the

basis of the said report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants through video conferencing, who submitted that as far as the role of the present applicant No.1 is concerned, which is only to the extent of his presence. As far as the role of assault is attributed to the applicant No.2, now the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicants is not required. He further submitted that the injured is also discharged from the hospital, and there is no apprehension of death. Considering all these aspects they be released on bail.

4. Learned APP strongly opposed the said application and submitted that intention of the applicants can be gathered from the circumstances that the injury caused is on the vital part of the body and the weapon used is the knife and the injury sustained by the injured is of a serious nature. Considering all these aspects, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the investigation papers from which it reveals that both the applicants came on the motorcycle hold Ritesh Tiwari and thereafter, the applicant No.2 given a blow of knife on the vital part of the body. Admittedly, the investigation is completed. The injured has sustained

the injuries which are grievous in nature by the sharp and pointed object. But, considering now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.(1) Sattar Khan Musa Khan Pathan** and **No.(2) Saddam Khan Musa Khan Pathan** shall be released on bail in connection with Crime No.398/2024 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall not enter into the vicinity of Vidul, Taluka Umarkhed, District Yavatmal, till culmination of the trial.
- (iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicants shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)