



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

CRIMINAL APPLICATION (BA) NO.952 OF 2024
(Sayyad Zaid Ali s/o Sayyad Nawab Ali Vs. 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. A.M. Jaltare, Advocate for the applicant.
Ms K. Bhondge, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 22, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 29/04/2024 in connection with Crime No.281/2024 registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Sohail Shaikh Jakir Sheikh on an allegation that on 28/04/2024 when he was sitting in front of the pan stall, at the relevant time, present applicant and other co-accused asked him to remove his leg and on that trifling reasons he was assaulted by the present applicant by means of knife on his neck and abdomen. Due to the said assault he sustained the grievous injuries. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that there are cross-complaints filed against each other. Due to the trifle reason there was a scuffle between two parties in which both the party members have sustained the injuries. As far as the injured in the present crime is concerned, now discharge from the hospital and no further treatment is there, so there is no apprehension of death. As far as the apprehension of tampering of the witnesses is concerned, the applicant is still out of the city. Considering the investigation is completed and charge-sheet is filled, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application on the ground that considering the nature of the injuries sustained by the injured, the intention of the present applicant can be gathered. If he is released on bail, there is every apprehension of repeating of the similar type of the incident. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that out of the scuffle between two parties the alleged incident has taken place. Both party members have sustained the injuries in the said incident. Now, investigation is completed, charge-sheet is filed. The injured is also not under the apprehension of death.

Considering the same, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Sayyad Zaid Ali s/o Sayyad Nawab Ali in connection with Crime No.281/2024 registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, be released on bail on executing PR. bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of Nagpur city and shall enter into Nagpur only to attend the proceedings before the Sessions Court.
- (iv) The applicant shall attend the proceedings before the Sessions Court regularly without seeking any exemption unless there are exceptional circumstances.
- (v) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case either personally or by way of electronic media.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*