



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

CRIMINAL APPLICATION (BA) NO. 378 OF 2024

Kasam Beg Musa Beg V/s 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. M.N.Ali, counsel for the applicant.

Mr. S.S. Hulke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/06/2024.

1. The applicant came to be arrested on 08/03/2024, in connection with crime No.146/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submitted that the accusations against the present applicant is on the basis of report lodged by Sheikh Kalim Sheikh Suleman Sheikh alleging that he and the present applicant are neighbors. On 07/03/2024, there was a quarrel between the present applicant and him on account of playing of the children on the open plot. At the relevant time, the present applicant has assaulted the brother of the informant by fist and slap. Thereafter, the informant has rescued his brother, and the applicant has left the place. After 10 to 15 minutes again, the present applicant came along with his son, and his son Nasim Beg was holding a knife in his hand. They all came in

front of them, and Nasim Beg has given a blow of knife on the person of his brother. Due to which, his brother has sustained the injuries. On the basis of said report, the police have registered the crime against the present applicant. He submitted that, as far as the present applicant is concerned, the role attributed to him is that in the initial incident, he has assaulted the brother of the informant by means of fists and slaps. The injury sustained by the brother of the informant is the incised wound, and that role is attributed to the co-accused, Nasim Beg.

3. He further submitted that as far as the informant is concerned, who has sustained the simple injuries. Now, investigation is already completed and charge-sheet is already filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application, considering the fact that the entire incident occurred at the behest of the present applicant. On the instigation of the present applicant, the other co-accused assaulted the brother and the informant. Though the investigation is completed, there is apprehension of tampering of the witnesses, in view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which, it reveals that the alleged incident has occurred on a trifle reasons of playing of the children on open plot. As far as the role of the present applicant is concerned, it is

alleged that he has initially assaulted the brother of the informant by fist and slaps. In a second incident also, there is an allegation that he has assaulted by means of fist and slaps. The brother of the informant has received the incised wound which are attributable to the co-accused Nasim Beg. Now, the investigation is already completed and charge-sheet is already filed, further incarceration of the present applicant is not required. The injured are already discharged from the hospital, and there is no apprehension of death, due to the said injury. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant – Kasam Beg Musa Beg, shall be released on bail, in connection with crime No.146/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of Tata Nagar, Daryapur till culmination of the trial.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[**URMILA JOSHI-PHALKE, J.**]