



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

CRIMINAL APPLICATION [BA] NO.531 OF 2024

(Sohel Shah @ Baba Umar Shah .vs. State of Maharashtra, Through Police Station Officer, Police Station, Warud, District-Amravati)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.V. Navlani, Advocate for Applicant,
Mr. D.V. Chauhan, Public Prosecutor with
Mr. Neeraj Jawade, APP for Non-Applciant-State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JUNE 26, 2024.

. The applicant came to be arrested in connection with Crime No.42/2024 registered with Police Station, Warud for the offence punishable under Sections 307, 323, 504 read with 34 of the Indian Penal Code.

2. The crime is registered on the basis of the report lodged by Sayyad Arshad Sayyad Anis on an allegation that the informant was flying a kite near Madina Masjid ground, at that time, Baba Shaha came and asked the complainant about his brother Fardeen. On informing the complainant that Fardeen is at home, after some time, Fardeen came near Madina Masjid. It is further alleged that the applicant along

with Diler Shah assaulted Fardeen on the point of old dispute. It is further alleged that Fardeen as well as Golu were assaulted by the present applicant and other co-accused on trifle reason. On the basis of the said report, Police have registered the crime against the present applicant.

3. Learned counsel Mr. Navlani submitted that as far as the role of the present applicant is concerned, which is attributed by the informant and the other witnesses that he has assaulted Fardeen as well as Golu. Fardeen was assaulted by giving a blow of knife on the vital part of the body i.e. on the abdominal portion, whereas Golu is received the injury on his wrists. He further submitted that the role attributed to the Diler, who is also assaulted by knife on abdominal portion of Golu, but the said Diler is already released on bail. He submitted that now the investigation is completed, charge sheet is filed. The injured are already discharged from the hospital and there is no apprehension of death. In view of that, he be released on bail.

4. Learned Public Prosecutor strongly opposed the said application on the ground that there are criminal antecedents against the present applicant. The preventive action is already taken against him. He further invited my attention towards the statement of Sayyad Arshad Sayyad

Anis which was recorded subsequently and pointed out that the injured are assaulted on a trifle reason by the present applicant i.e. due to the previous dispute. He submitted that vital part was chosen by the present applicant to assault Fardeen as well as the Golu was also assaulted on his hands by giving knife blow. He submitted that the nature of the crime registered against the present applicant also shows that he is continuously involved in the offences like assault by means of the weapons. Here, the case is made out that the applicant has attempted to eliminate the deceased by using the weapon like knife. Thus, considering the prima facie material against the present applicant, he prays for rejection of the application.

5. After hearing the learned counsel for the applicant and the learned Public Prosecutor for the non-applicant-State, perused the recitals of the first information report as well as various statements and the injury certificates. Due to the previous disputes and that is also for the trifle reason, the present applicant and the other co-accused have assaulted the injured Fardeen as well as Golu. There is no dispute as to the fact that Fardeen has received the injury on the vital part of the body. There are criminal antecedents against the present applicant of the similar nature. Now investigation is already completed and the charge sheet is already filed. Merely

because there are criminal antecedents, the liberty of the present applicant cannot be curtailed.

6. Considering the fact that now the investigation is completed, the injured are also not under the apprehension of death as they are already discharged from the hospital, though *prima facie* case is made out against the present applicant, but considering that now the investigation is completed and the charge sheet is filed, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sohel Shah @ Baba Umar Shah shall be released on bail in connection with Crime No.42/2024 registered with Police Station, Warud for the offence punishable under Sections 307, 323, 504 read with 34 of the Indian Penal Code, on his executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of like amount.

(iii) The applicant shall attend Warud Police Station once in a month on first of every month and the Police Station Officer shall record his presence.

(iv) The applicant shall not enter into the vicinity of Warud, except attending the proceedings before the Sessions Court.

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

(vi) The contravention of any of the conditions imposed by this Court only to the cancellation of the bail.

7. The application is disposed of.

JUDGE