



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 514 OF 2025

Hakkani Khan Ajmer Khan,
Age : 28 years, Occupation : Labour,
R/o : Aadgaon Mauli,
Chhatrapati Sambhajnagar. ... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station MIDC Cidco,
Taluka and District Chhatrapati Sambhajnagar. ... Respondent

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Ms. Vandana B. Kakde, Advocate for the Applicant.
Mr. N. D. Batule, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 04.04.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 0211 of 2024 registered at M.I.D.C. Cidco Police Station, District Aurangabad (City) for offences punishable under Sections 307, 341 r/w 34 of IPC and Sections 37(1) & 135 of the Maharashtra Police Act.

2. Pointing to the date of arrest of the applicant i.e. 07.05.2024, learned counsel submitted that there are allegations of assault. According to learned counsel, Section 307 IPC would not be attracted as there is no injury which was life threatening. That, incident took place because of previous disputes and quarrels. Now investigation is over. Whatever was to be recovered is recovered, and no further recovery or discovery is to be made. Charge sheet is already filed in July 2024 itself. Therefore, no purpose would be served by further continued detention of the applicant and further, there are no immediate prospects of matter going for trial. On all above counts, she seeks relief of bail.

3. Learned APP opposed on the ground that there are allegations of assault by means of axe. There is one grievous injury and four simple injuries. Injury certificate is placed on record. There is background to the occurrence. Learned APP also apprehends misuse of liberty.

4. Heard. Perused the FIR dated 27.04.2024 at the instance of Imran Shah. He reported that on 26.04.2024, his brother Akhil went to the field. Around 6.00 p.m., he received call from his brother Akhil and at that time, he heard some commotion. Therefore, he and his

other brother started proceeding on motorcycle towards the field. Midway they got call from Akhil informing that he is at M.I.D.C. Cidco Police Station. Therefore, they both went there and took him to hospital and there they learnt that on account of case registered by their father on 11.02.2023 and it not being withdrawn, Hakkani, i.e. present applicant, Rabbani, Jilani and Abubakar intercepted him and present applicant allegedly assaulted by means of axe. Therefore, on above report, crime has been registered.

5. On visiting injury certificate, it is noticed that injured Akhil has suffered four simple injuries and one grievous injury, which is on the back. Learned APP submitted that injured has been referred for surgery. Alleged occurrence is of 26.04.2024. Applicant is shown to be arrested on 07.05.2024. Investigation is already said to be over. Charge sheet is already filed in July 2024. Taking the above material into consideration, and when there are no immediate prospects of matter going for trial, so also, in view of above discussion when no purpose is shown to be achieved by further detention, applicant succeeds. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No. 0211 of 2024 registered at M.I.D.C. Cidco Police Station, District Aurangabad (City), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where the informant, his family and near and dear ones reside, till conclusion of trial.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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