



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 1944 OF 2024

ABUL ALA HASHMI KHURAM ALI HASHMI
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Shaikh Mohseen Iman

APP for Respondent : Mr. S.S. Dande

Advocate for assist to PP : Mr. M.D. Gitte

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CORAM : SHAILESH P. BRAHME, J.
(VACATION COURT)

DATE : 29 OCTOBER 2024

PER COURT :

Heard learned Advocate Mr. Shaikh Mohseen Iman for the applicant and learned APP Mr. Dande for the respondent/state.

2. The applicant is seeking regular bail as he is behind bar since 30.09.2024 in Crime No. 480/2024 registered with Cantonment Police Station, Aurangabad, for the offences punishable under Sections 109, 126 (2), 115 (2), 351 (2), 351 (3), 3 (5) of Bhartiya Nyay Sahinta, 2023.

3. This matter was mentioned in the vacation expressing urgency on the medical ground of the applicant. However, while considering the matter the parties agreed for consideration of merits also. Under these circumstances, though the next date in the bail application is of 14.11.2024, I am deciding the matter.

4. Informant is the nephew of the applicant and also son-in-law. There were matrimonial disputes between informant and

applicant's daughter Hatija Fatema which resulted in dissolution of marriage. It is submitted by learned counsel for the applicant that due to the disputes between the applicant and the informant there is false implication in the offence in question. It is further submitted that applicant is suffering from Cancer since 2021 and he wants to have better treatment. Learned counsel also places on record order dated 21.10.2024 passed in the matter of co-accused in ABA No. 1784/2024.

5. Learned APP submits that there are direct allegations against the applicant and the co-accused. This is not a fit case to enlarge the applicant on bail. The investigation is yet to be completed.

6. I have gone through first information report. It is alleged that on 29.09.2024 the applicant and the co-accused had confrontation with the informant and they demanded him to transfer house in their name. It is alleged that the applicant tried to inflict blow by knife on the informant. The co-accused assaulted him by iron rod. The applicant poured petrol on the person of the informant and tried to set him ablaze.

7. I have gone through the police papers and especially the medical certificate. The injuries are simple in nature. It can be gathered from the police papers that the beatings to the informant is not serious in nature rather it appears to be exaggeration. Due to the disputes between the accused and the informant, in all probabilities the false implication cannot be ruled out.

8. Co-accused Abul Hasan Khuram Ali Hashmi was granted anticipatory bail by this Court vide order dated 21.10.2024 in ABA No. 1784/2024. It further reveals from record that since 2021 applicant is suffering from carcinoma of right side tongue and is under medication. There is no reason to doubt that the applicant needs further treatment for the ailment. Considering over all circumstances, the applicant deserves to be released on bail. Hence, I pass following order :

ORDER

- i. Bail Application is allowed.
- ii. The applicant shall be enlarged on bail on furnishing P.R. bond and cash surety of Rs. 30,000/-.
- iii. He shall not in any way contact the informant and he shall co-operate with the Investigating officer.

[SHAILESH P. BRAHME, J.]