

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4010 OF 2015**

Aslam Kaleem Shaikh

**.... APPLICANT**

**V E R S U S**

The State of Maharashtra

**.... RESPONDENT**

.....

Mr. Prem Keswani, Advocate h/f

Mr. A.K.Bhosale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 13<sup>th</sup> AUGUST, 2015**

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**PER COURT :**

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 45/2015 registered with MIDC Waluj police station, District Aurangabad for the offences punishable u/s 277,278,284,308,336 read with 34 of the Indian Penal Code.

2. Heard Mr. Prem Keswani, learned counsel holding for Mr. A.K.Bhosale, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Investigation is already over. Charge sheet is filed.

4. Applicant is arrested on 28/02/2015. F.I.R. is lodged by Police Inspector of police station MIDC, Waluj. According to the F.I.R., applicant was present when the discharge was in progress.

5. This Court has already considered the case of co-accused Tushar Tukaram Pakhare, who was also present on the spot at the time of discharge. He had filed Criminal application No. 2903 of 2015 before this Court and this Court vide Order dated 03/07/2015, released him on bail. Since the role ascribed to the present applicant is para-materia with the role ascribed to Tushar, present applicant is surely entitled for bail on the principle of parity.

Further, according to prosecution, present applicant is one of the relatives of accused Aaga Khan. Merely because he is relative of co-accused, however, that by itself can not be incriminating circumstance.

6. This Court has considered the applicability of Section 308 of the Indian Penal Code in the earlier applications i.e. Criminal Application No. 2903 of 2015 filed by co-accused. Present applicant is in jail since last about six months. In that view of the matter, present Criminal Application can be considered favourably. That leads me to pass the following order.

**ORDER**

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Aslam Kaleem Shaikh be released on bail in connection with Crime No. 45/2015 registered with MIDC Waluj police station, District Aurangabad for the offences punishable u/s 277,278,284,308,336 read with 34 of the Indian Penal Code on he executing P.R. Bond of Rs. 50,000/- [Rupees Fifty Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Present applicant shall attend Local Crime Branch, Aurangabad once in a fortnight preferably on every Sunday between 11.00 a.m. – 2.00 p.m. till the trial is over.
- (iv) Present applicant shall not leave the Country without prior permission of the learned trial Court.
- (v) Present applicant shall not influence any prosecution witness or shall not tamper

with the prosecution case.

- (vi) With these observations, present Criminal Application is disposed of.

**[V.M.DESHPANDE, J.]**

KNP/Cr.Apln. 4010.2015