

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6283 OF 2014

IN

CRIMINAL APPEAL NO.506 OF 2013

Shaikh Salim s/o Shaikh Latif,
Age-50 years, Occu:Business,
R/o-Jintoor, Dist-Parbhani,
At present in Jail.

...APPLICANT

VERSUS

State of Maharashtra,
Through Police Station Officer,
Police Station, Jintur,
Dist-Parbhani.

...RESPONDENT

...

Mr. Swapnil S. Rathi Advocate for Applicant.
Mr. S.B. Yawalkar, A.P.P. for Respondent No.1.
Mr. S.J. Salunke Advocate for assist to P.P.

...

**CORAM: A.B. CHAUDHARI AND
INDIRA K. JAIN, JJ.**

DATE : 13TH OCTOBER, 2015

ORDER :

1. Heard learned counsel for the rival

parties, including the counsel for the complainant who is assisting the prosecution. Though the learned counsel for the complainant is assisting the prosecution, he has vehemently argued that the Application for bail should not be considered, since Applicant Shaikh Salim has criminal antecedents. The counsel for complainant has pointed out four offences registered against the Applicant.

2. In the instant case, admittedly the present Applicant is in jail in the present offence since 20th December 2013 and sentence awarded to him is of five years, therefore he has completed almost half of the imprisonment. It is a settled legal position that in such cases the order of bail should be made when half of imprisonment is almost complete. We have considered the criminal antecedents of the Applicant pointed out by the learned counsel assisting the prosecution. But then the place is

Jintur where present Applicant Shaikh Salim is alleged to be doing criminal activities. The fact remains that out of the eight convicts, seven convicts have been released on bail by this Court and further the application for bail filed by the present Applicant was not rejected on merit and was simply disposed of for early hearing of the Appeal. It is not possible to hear the instant Appeal at early date.

3. In the above circumstances, we think that if Applicant Shaikh Salim is asked to stay outside Jintur area, the purpose will be served. Hence we make the following order:-

O R D E R

(I) Criminal Application No.6283 of 2014 is allowed.

(II) Applicant Shaikh Salim s/o Shaikh

Latif shall be released on bail on his furnishing Personal Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one Surety in the like amount.

(III) The Applicant Shaikh Salim shall stay outside Jintur Taluka and report to the concerned Police Station by informing the police where he has been residing.

(IV) The Applicant Shaikh Salim shall not indulge into any criminal activities at the place of his residence.

[INDIRA K. JAIN, J.]

[A.B. CHAUDHARI, J.]

asb/OCT15