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

CRIMINAL APPLICATION NO. 44 OF 2016

1. Mohmmad Shahid Mohmmad Isak,
2. Isarail Kha Wahed Kha ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr G.J. Pahilwan, Advocate for applicants;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

**WITH
CRIMINAL APPLICATION NO.451 OF 2016**

Shaikh Ashraf s/o Shaikh Farjeel
@ Sarjeel ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.M. Sangale, Advocate for applicant;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 5th February, 2016

ORDER :

By these applications under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.I-135 of 2015, registered with Shillegaon police station, Taluka Gangapur, District Aurangabad, for offences punishable under sections 395 and 420 of the Indian Penal Code.

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2. While trying to make out a case for grant of bail, learned Counsel appearing on behalf of the applicants, would urge that there is no past history against the applicants, investigation in the matter is complete and charge-sheet is also filed. According to the learned Counsel, further detention of the applicants is not necessary. It is further claimed that other similarly placed accused persons are already released on bail and have invited my attention to the order dated 17th December, 2015, passed by this Court in Criminal Application Nos.6072 of 2015, 6127 of 2015 and 6464 of 2015.

3. Learned Addl. Public Prosecutor opposed the applications on the ground that in the event of release of the applicants on bail, they might commit similar type of offences.

4. It is, no doubt, true that the applicants are named as accused and are in custody. The investigation in the matter is complete and charge-sheet is also filed. The other similarly placed accused persons are already ordered to be released on bail by this Court. Thus, in my opinion, it will be appropriate to order release of the present applicants on bail. I, therefore, pass following order :-

Criminal Application Nos.44 of 2016 and 451 of 2016 stand allowed.

The applicants be released on bail, in connection with C.R. No.I-135 of 2015, registered with Shillegaon police station, Taluka Gangapur,

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District Aurangabad, for offences punishable under sections 395 and 420 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

The applicants shall submit the residential address proof to the satisfaction of Trial Court.

The applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.

(N.W. SAMBRE, J.)

amj