

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

BAIL APPLICATION NO.1386 OF 2020

Sayed Naveed s/o Sayed Khaja Pasha

Applicant

Versus

The State of Maharashtra

Respondent

Mr.N.S.Ghanekar, advocate for the applicant.
Mr.S.B.Narwade, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 02nd December, 2020.

PC :

1 The applicant- Sayed Naveed s/o Syed Khaja Pasha is seeking bail in connection with Crime No.0428/2020, registered with Jinsi Police Station, Aurangabad, for the offence punishable under Sections 307, 323, 143, 147, 148, 149, 506 of the Indian Penal Code.

2 Heard both sides.

3 The learned Counsel for the applicant submits that the applicant is in jail in connection with present crime since 1st October, 2020. The learned Counsel submits that name of the present applicant

is not mentioned in the First Information Report. There are specific allegations against the co-accused persons and each of the co-accused has been ascribed to a specific role. The learned Counsel submits that there is nothing in the First Information Report to indicate that some other persons, including present applicant, had also accompanied the co-accused persons and participated in the actual commission of crime. The learned Counsel submits that during the course of investigation, the applicant came to be arrested. He submits that antecedents of the applicant are clear. The applicant is ready to abide by the conditions, if imposed by this Court while releasing him on bail. He, therefore, submits that the applicant may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that though name of the applicant is not mentioned in the First Information Report, during the course of investigation, statements of injured eye witnesses came to be recorded wherein they have stated about the presence of the applicant during the course of the said incident. The learned A.P.P. submits that the investigation is in progress. There is one another crime registered against the applicant bearing Crime No.344/2020, for the offence punishable under Section 353 of the Indian Penal Code. He, therefore, submits that the applicant may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the name of

the applicant is not mentioned in the First Information Report. Even though the injured eye witnesses have subsequently taken name of the present applicant, however, no specific role has been ascribed to the applicant and only allegations have been made about his presence during the course of incident. It further appears that another Crime No.344/2020 is also the outcome of the present crime registered at Kranti Chowk Police Station, Aurangabad. There is no criminal history, as such, against the applicant. Thus, by imposing certain conditions, I am inclined to release the applicant on bail

6 Hence, the following order:

(i) The application is hereby allowed.

(ii) The applicant - Sayed Naveed s/o Syed Khaja Pasha, in connection with Crime No.0428/2020, registered with Jinsi Police Station, Aurangabad, for the offence punishable under Sections 307, 323, 143, 147, 148, 149, 506 of the Indian Penal Code, be released on bail on his furnishing Personal Bond of Rs.15,000/- (Rs.Fifteen Thousand) with one surety of the like amount, on the following conditions:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the concerned Police Station on every Sunday between 08.00 a.m. to 11.00 a.m. till filing of the charge sheet.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb