

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

BAIL APPLICATION NO. 1481 OF 2020

01 Naseemabee w/o Shaikh Wahab
02 Shaikh Ajagar @ Lalu Shaikh Abdul
Wahab

Applicants

Versus

The State of Maharashtra

Respondent

Mr.M.L.Kolhe, advocate for the applicant.
Mr.A.S.Shinde, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 22nd December, 2020.

PC :

1 The applicants - (1) Naseemabee w/o Shaikh Wahab and
(2) Shaikh Ajagar @ Lalu Shaikh Abdul Wahab, are seeking bail in
connection with Crime No.0503/2020, registered with Sadar Bazar
Police Station, Jalna, District Jalna, for the offences punishable under
Sections 302, 316, 324, 143, 147, 148, 149, 427, 120(B), 201, 452, 109
of the Indian Penal Code.

2 Heard both the sides.

3 The learned Counsel for the applicants submits that the
investigation is over and charge sheet has been submitted. The
applicants are in jail, in connection with present crime, since
10th August, 2020. The learned Counsel submits that by order dated

07th October, 2020 in B.A.No. 1090 of 2020, this Court has released co-accused Halimabi Dhum Ali Shah against whom identical allegations have been made. The learned Counsel submits that though names of these two applicants are mentioned in the First Information Report, however, no specific role is ascribed to them. There is no criminal history. The applicants are available for trial. The applicants may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that there are eye witnesses to the alleged incident and during night time, after breaking open the door of the house, the applicants and co-accused entered the house of the informant and assaulted him and his family members. *Prima facie*, there is a strong case against the applicants. The applicants may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the charge sheet, though I find names of the applicants are mentioned in the First Information Report, however, no specific role is ascribed to them. Even in the statements of eye witnesses, though they have stated about the presence of the applicants at the time of alleged incident, however, no specific role has been ascribed to both the applicants. On the same set of allegations, this Court, by order dated 07th October, 2020 in B.A.No.1090/2020, released co-accused Haleemabi on bail. In view of the same, principle

of parity is attracted. In view of the same, I am inclined to release the applicants on bail with certain conditions.

6 Hence, the following order:

(i) The application is hereby allowed.

(ii) The applicants - (1) Naseemabee w/o Shaikh Wahab and (2) Shaikh Ajagar @ Lalu Shaikh Abdul Wahab, are seeking bail in connection with Crime No.0503/2020, registered with Sadar Bazar Police Station, Jalna, District Jalna, for the offences punishable under Sections 302, 316, 324, 143, 147, 148, 149, 427, 120(B), 201, 452, 109 of the Indian Penal Code, be released on bail on their furnishing Personal Bond of Rs.20,000/- (Rs.Twenty Thousand) each with one solvent surety each of the like amount, on the following condition:

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

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb