

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.50 OF 2021

1. Shabana Dhum Ali Shah
 2. Akbar Dhum Ali Shah
 3. Ismail @ Shaikh Ahmed Shah
- ... Applicants

Versus

The State of Maharashtra

... Respondent

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Mr. P. S. Paranjape, Advocate for applicants.
Mr. A. M. Phule, APP for respondent – State.

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WITH
BAIL APPLICATION NO.114 OF 2021

1. Nilofar d/o Jafar Khan
 2. Nafisa w/o Altaf Khan
 3. Nasimabee w/o Jafar Khan
- ... Applicants

Versus

The State of Maharashtra

... Respondent

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Mr. B. N. Gadegaonkar, Advocate for applicants.
Mr. A. M. Phule, APP for respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17th February, 2021

ORDER :-

. All the applicants have been arrested in connection with Crime No.503 of 2020 registered with Sadar Bazar Police Station, District Jalna

for the offences punishable under Sections 302, 324, 143, 147, 148, 149, 427, 120-B, 201, 452 of Indian Penal Code. They have filed present applications for bail under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. P. S. Paranjape for applicants in Bail Application No.50 of 2021, learned Advocate Mr. B. N. Gadegaonkar for applicants in Bail Application No.114 of 2021 and learned APP Mr. A. M. Phule for respondent – State. In order to cut short it can be said that all of them have made submissions in support of their respective contentions.

3. At the outset, it can be seen that after hearing both sides, when this Court disinclined to grant any relief to applicant No.3 – Nasimabee w/o Jafar Khan in Bail Application No.114 of 2021, learned Advocate representing her, on instructions, prayed for withdrawal of the application. Accordingly, application stands disposed of as withdrawn to the extent of applicant No.3 – Nasimabee w/o Jafar Khan.

4. FIR has been lodged by one Sayyad Majid Sayyad Qayyum in respect of death of his wife Heena. The incident is stated to have taken place at night time on 09.08.2020. The FIR came to be lodged against twelve adult persons and two juveniles in conflict-with law. As regards

the role attributed to the present applicants are concerned, the FIR says about the presence of the applicants in Bail Application No.50 of 2021 and it is also stated that the applicant – Ismail was holding knife, however, neither he, nor the eye witnesses have stated that he had used that weapon. Further, it appears that the informant had even installed CCTV in his house. The footage is also collected by police, but it does not say that the present applicants in Bail Application No.50 of 2021 and the two applicants from Bail Application No.114 of 2021 had used any weapon. The statement of the child witness would also show the presence of applicants – Nasimabee and Nilofar and not the applicants in Bail Application No.50 of 2021. Therefore, when the work of collecting evidence is already over and charge-sheet is filed, the applicants need not be kept in jail, till the conclusion of trial. They deserve to be released on bail. Hence, the following order :-

ORDER

- I) Bail Application No.50 of 2021 stands allowed.
- II) Bail Application No.114 of 2021 stands partly allowed.
- III) Bail Application No.114 of 2021 stands disposed of as withdrawn in respect of applicant No.3 – Nasimabee w/o Jafar Khan.

IV) The applicants viz. (i) Shabana Dhum Ali Shah, (ii) Akbar Dhum Ali Shah, (iii) Ismail @ Shaikh Ahmed Shah in Bail Application No.50 of 2021 and applicants viz., (i) Nilofar d/o Jafar Khan and (ii) Nafisa w/o Altaf Khan in Bail Application No.114 of 2021, who have been arrested in connection with Crime No.503 of 2020 registered with Sadar Bazar Police Station, District Jalna for the offences punishable under Sections 302, 324, 143, 147, 148, 149, 427, 120-B, 201, 452 of Indian Penal Code. be released on P.R. and S.B. of Rs.15,000/- each.

V) They shall not tamper with the evidence of the prosecution in any manner.

VI) They should not indulge in any criminal activity.

VII) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm