

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

15 BAIL APPLICATION NO.331 OF 2021

**ABU CHAUS MUSA S/O. SALEH CHAUS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.Rameez M. Shaikh
APP for Respondent-State : Mr.S.B. Narwade
...

CORAM : SANDEEP K. SHINDE , J.

Date :-05th July, 2021.

P. C. :

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. Applicant seeks his enlargement on bail, in connection with Crime No. 208 of 2018, registered with MIDC CIDCO, Police Station, Aurangabad, for the offences punishable under Sections 307, 120-B, 109 and 116 read with Section 34 of Indian Penal Code ('IPC' for short) and under Section 3 read with Section 25 of the Arms Act, 1959.
3. Applicant was apprehended on 30th August, 2018. The investigation is over and the charge-sheet has been filed. Out of 13 accused, except applicant, all have been granted bail.
4. Learned counsel for the applicant submits that there is no material on record to suggest and indicate the complicity of the applicant

in the subject crime. It is submitted that applicant had no criminal antecedents and his presence for the trial could be secured by imposing suitable conditions. On this grounds he seeks bail.

5. It is the prosecution's case that it had a secret information, of conspiracy hatched by accused in this crime, to decamp one, Imran Mehendi, accused in MCOCA case, when he was to be produced in court on 27th August, 2018. A trap was laid on the outskirts of Aurangabad city. As many 12 persons were arrested. Prosecution alleged, that amongst 12 persons some of them attempted to open fire on a police party. Later, applicant-accused was arrested. Role attributed to the applicant, was that he shared conspiracy and had afforded shelter to two co-accused persons. In support of this contention, the prosecution would rely on the statement of the landlord, where the two accused found living with applicant. Besides, prosecution also relied on recovery of bullets, caused from the applicant on 29th August, 2018.

6. The charge-sheet has been filed. The trial may not commence in the near future. Twelve co-accused persons, have been granted bail. The role attributed to the applicant was that he afforded a shelter to two accused persons, who were ordinarily residing in Madhya Pradesh. In consideration of the facts of the case and the role attributed to applicant-accused and since investigation is over, in my view, a case is made out for releasing the applicant on bail. For the reasons stated above, the applicant is directed to be released on bail. Application is granted in the

following terms :

ORDER

(i) The applicant arrested in Crime No.208/2018 registered at MIDC CIDCO Police Station, Aurangabad, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only), with one or more sureties in the like amount.

(ii) The applicant shall report to the MIDC CIDCO Police Station once in a month, on every second Monday of each month, between 11:00 to 1:00 p.m. commencing from July, 2021, till the charge is framed and co-operate in the investigation.

7. The application is accordingly allowed and disposed off.

8. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/