

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO.594 OF 2021

MOHAMMAD FAISAL S/O MOHAMMAD AYAJ
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Shri Nilesh S.Ghanekar
APP for Respondent : Shri S.B.Narwade

WITH
BAIL APPLICATION NO.601 OF 2021

MOHAMMAD IMRAN S/O MOHD.ABDUL LATIF
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Shri M.A.Latif
APP for Respondent : Shri S.B.Narwade

CORAM : M.G.SEWLIKAR, J.

DATE: 11th June, 2021

PER COURT:-

1. Heard.
2. Both these applications are disposed of by common order as they arise of the same offence.
3. Crime No.278 of 2020 came to be registered against the applicants alleging therein that the informant, who is a Police Naik was travelling in his Car alongwith his friend Sugriv Sakharam Sakrate. At around 01:30 p.m. near Yelambghat, one

Motorcycle on which two persons were riding overtook his Car and intercepted the Car of the informant. One of them, having long hair, started beating the informant. The other one also started beating him. Soon thereafter, two boys came there on another Pulsar Motorcycle and they also started beating him. Sugriv Sakrate tried to intervene but he was also beaten by kicks and fist blows by the applicants and their associates. At that very moment, the person having long hair took out a knife and at the point of knife robbed the informant of wrist watch, a mobile handset of Vivo Company and was asking him to transfer Rs.1,00,000/- by using PhonePe App. At that very moment, Law Officer of Sub-Divisional Police Officer's Office, Kaiz - Shri Sharad Dattatraya Kothawale was passing by. He called the Police from Police Station Neknoor. Those four persons were beaten by the villagers. They disclosed their names to be Mohammad Imran Mohammad Abdul Latif (applicant in Bail Application No.601 of 2021), Mohammad Faisal Mohammad Ayaj (applicant in Bail Application No.594 of 2021), Shaikh Ahmed Shaikh Makbool, Mohammad Saddam Mohammad Ghaus. On these allegations, Crime No.278 of 2020 under Sections 394, 341, 323 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of Arms Act came to be registered with Neknoor Police Station, District Beed on 08-12-2020.

4. Heard Shri N.S.Ghanekar, learned counsel for the applicant in Bail Application No.594 of 2021, Shri M.A.Latif, learned counsel for the applicant in Bail Application No.601 of 2021 and Shri S.B.Narwade, learned APP for the respondent-State in both the applications.

5. Shri Ghanekar, learned counsel for the applicants submitted that it was not a case of robbery but the informant, who was travelling in a Car, was agitated as the applicants hoodwinked the informant. A quarrel ensued. Thereafter, the Police Officer and the villagers gathered there. Nothing was stolen by the applicants. On the contrary, the applicants were beaten by the informant and others. He submits that the alleged Panchanama bears testimony to that. Arrest panchanama of both the accused mentions that the applicants were having contusions caused by the beating by the public. He submitted that a colour of robbery was given to this incident as the applicants threatened the informant that they would lodge report against the informant. He, further, submitted that the applicants are ready to abide by any condition. They will be available for trial.

6. Shri Narwade, learned APP for the respondent State submitted that Jambia was recovered from the applicants. Mobile

handset and cash were also recovered from the applicants. The vehicle which was used in the commission of the offence was also a stolen one. He submitted that already two offences are registered against the applicants. If they are released on bail, they would again indulge in similar crimes. He, therefore, prayed for rejection of the applications.

7. Entire investigation is complete. Charge-sheet is filed. The applicants are behind the bars since 08-12-2020.

8. To allay the fear of learned APP that applicants will not be available for trial or that they will commit similar offence, I deem it fit to impose stringent conditions on the applicants. The applicants are behind the bars for more than six months. The trial is not likely to be finished in the near future. Considering the pandemic situation created by Covid 19, I am inclined to release the applicants on bail. Hence, the following order is passed:

ORDER

i) Bail Application Nos.594 of 2021 and 601 of 2021 are allowed.

ii) Each of the Applicants be released on PR Bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.278 of 2020, registered with

Neknoor Police Station, District Beed, under Sections 394, 341, 323 read with 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, and on condition that each of them shall report to the concerned Police Station twice a week i.e. on every Wednesday and Sunday between 12:00 Noon and 06:00 p.m.

iii) Applications are disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT