

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 722 OF 2021

Shaikh Ahmed @ Shadab s/o Shaikh Maqbool Applicant

Versus

The State of Maharashtra Respondent

Mr. S.S.Kulkarni, Advocate for the applicant.
Mr. S.P.Sonpawale, APP for respondent/State.

WITH
BAIL APPLICATION NO. 857 OF 2021

Mohammad Saddam @ Meraj s/o Mohammad Gous Applicant

Versus

The State of Maharashtra Respondent

Mr.Sohail Subhedar, Advocate holding for Mr. Ghanekar, Advocate for the applicant.
Mr. S.P. Sonpawale, APP for the respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 8th September, 2021.

PER COURT :

1. Both these applications are being disposed of by common order as they arise out of the same offence.

2. Crime No. 278/2020 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 1.30 pm, 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 Sakhare tried to intervene but he was also beaten by kicks and fists 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 the 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, Mohammad Faisal Mohammad Ayaj, Shaikh Ahmed Shaikh Makbool (Applicant in Bail Application No. 722/2021) and Mohammad Saddam Mohammad Gous (Applicant in Bail

Application No. 857/2021). On these allegations, Crime No. 278/2020 under Sections 394, 341, 323 read with Section 34 of the Indian Penal Code and under Section 4 and 25 of Arms Act came to be registered with Neknoor Police Station, Dist. Beed, on 8th December, 2020.

3. Heard learned counsel for applicants in both the applications. Both the learned counsel submitted that similarly situated accused have been released on bail. Fighter is recovered from both the applicants. No other recovery is made from them.

4. Learned APP submitted that both the accused have criminal antecedents. Vehicle used in commission of offence was a stolen property. He, therefore, opposed the application.

5. In reply, learned counsel Shri Kulkarni submitted that the vehicle was recovered from another accused who is released on bail.

6. Entire investigation is complete. Charge-sheet is filed. Applicants are behind the bars since 8th December, 2020. Learned

APP submitted that the applicants are from Gulbarga, Karnataka. They will not be available for trial. Learned counsel for both the applicants submitted that they will furnish local surety to ensure their presence at the time of trial. In order to secure presence of the applicants at the time of trial, stringent conditions can be imposed on them. Hence the following order :-

ORDER

- i) Both the applications are allowed.
- ii) Shaikh Ahmed @ Shadab s/o Shaikh Maqbool, applicant in Bail Application No. 722/2021 and Mohammad Saddam @ Meraj s/o Mohammad Gous, applicant in Bail Application No. 857/2021 be released on PR Bond of Rs. 50,000/- (Rs. Fifty Thousand only) each with one solvent local surety each in the like amount, in connection with Crime No. 0278/2020 registered with Neknoor Police Station, Dist. Beed, for the offences punishable under Sections 394, 341 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act, 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 6.00 pm till conclusion of the trial.

iii) Both the applications stand disposed of.

(M. G. SEWLIKAR)
Judge

dyb