

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 914 OF 2021

Shaikh Bilal s/o Shaikh Khader

Applicant

Versus

The State of Maharashtra

Respondent

Mr. K.D. Jadhav, Advocate for the applicant.

Mr. S.P. Sonpawale, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 22nd September, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0205/2021 registered with Kannad City Police Station, Dist. Aurangabad for the offences punishable under Sections 395, 452 of the Indian Penal Code.

2. Prosecution story in brief is that the informant was sitting in his office on 16th June, 2021. At that time, applicant along with four unknown persons entered into the office of the informant. One unknown person demanded Rs. 10,00,000/- from the informant.

Another unknown person having curly hair placed a knife on the throat of the informant's father and threatened him to kill. On hearing commotion, the son of the informant by name Divyansh came into the office. One of the accused, a fat one, pulled the son of the informant by hair and placed a knife on his throat. On hearing commotion, mother of the informant by name Sadhana and his wife Komal came there. In the scuffle, one of the unknown persons snatched a golden chain of the mother of the informant worth Rs.80,000/-. On hearing commotion, neighbours gathered there. Thereafter, the applicant and those unknown persons ran away. In this melee, the informant lost his mobile worth Rs. 5,000/- and one Samsung Mobile worth Rs. 30,000/-. Thus, value of the stolen articles was Rs. 1,15,000/-.

3. Heard Shri Jadhav, learned counsel for the applicant and Shri Sonpawale, learned APP for the State.

4. Learned counsel Shri Jadhav submits that the applicant has lodged First Information Report against the informant on 1st October, 2020 under Sections 420, 465, 468, 471 read with section 34 of the Indian Penal Code. To take revenge, the informant has filed

false case against the applicant. He submits that except a bag containing documents, nothing has been recovered from the applicant.

5. Learned APP submits that chain and mobiles are still to be recovered. Charge-sheet is yet to be filed. He submits that a car was used in the offence which was owned by one Nafiz Hakimoddin Khan. He submits that the applicant himself produced the said vehicle before the police station. He submits that in the wake of this evidence, applicant cannot be released on bail.

6. Applicant is behind the bars since 3rd July, 2021. He does not have any criminal antecedent. It appears from the First Information Report lodged by the applicant against the informant that they had some transaction. Except a bag containing some documents, nothing could be recovered from the applicant. Applicant is permanent resident of Galle Borgaon, Tq. Khultabad, Dist. Aurangabad. He will be available for trial. Having regard to the nature of evidence collected by the prosecution, I deem it appropriate to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 30,000/- (Rs. Thirty Thousand only) with one solvent surety in the like amount in connection with Crime No. 0205/2021 registered with Kannad City Police Station Dist. Aurangabad, for the offences punishable under Sections 395, 452 of the Indian Penal Code on condition that he shall not pressurise the witnesses, shall not tamper the prosecution evidence and shall attend the concerned police station on every Sunday between 12.00 noon and 3.00 pm, till filing of the charge-sheet.
- iii) Application stands disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge