

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

CRIMINAL APPEAL NO. 558 OF 2020

The State of Maharashtra

...Appellant

Versus

Danish Abdul Rauf Shaikh @ Jahagirdar

...Respondent

.....
Shri. S. D. Ghayal, APP for the appellant/State
.....

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 17th FEBRUARY, 2021

PER COURT : -

1. This is an appeal preferred by the State praying for quashing the order dated 09.06.2020 passed by the learned Additional Sessions Judge, Ahmednagar, by which, Criminal M.A. (Bail) No. 608/2020, filed by the respondent herein (original accused no.5) in C.R. No. I-581/2019, has been granted (anticipatory bail).

2. We have considered the strenuous submissions of the learned Prosecutor and have gone through the grounds formulated by him in support of this appeal. We have also gone through the record available.

3. We have dealt with Criminal Appeal No. 151 of 2020 filed by Faizan Rauf Shaikh @ Jahagirdar Vs. The State of Maharashtra and another, in relation to the same Crime No. I-581/2019. By our detailed order dated 30.09.2020, we have granted regular bail to the appellant Faizan Rauf Shaikh @ Jahagirdar (accused). We have also dealt with Criminal Appeal No. 43 of 2020 filed by the State of Maharashtra challenging the grant of bail to another accused Arfat Abdul Rauf Shaikh @ Arfat Babasahab Jahagirdar. He was granted regular bail by the trial Court vide order dated 07.10.2019. Dealing with the said appeal, we have passed an order on 30.09.2020 and have dismissed the appeal filed by the State by concluding that, no ground for quashing the regular bail granted to the said accused was made out.

4. In the instant appeal, the respondent is accused no. 5 in the same crime, as like Arfat Abdul Rauf Shaikh. He had also indulged in using his fists and kicks while assaulting the victim. Considering that the investigation was complete, we had concluded that the bail granted in such circumstances to an accused, who is attributed of a similar conduct, need not be interfered with. The present respondent, however, was evading arrest. By the impugned order dated 09.06.2020, he has been granted anticipatory bail and

thus, he is presently on bail for the past more than 09 months. The attributes as to his conduct in the said crime would indicate that he had given fists and kick blows to the victim standing in the queue at the Ahmednagar Bus Stand. There is no statement against him that he has used any deadly weapon or has used such a weapon by which he has inflicted a blow on a vital part of the victim, which could have caused the death of the victim in the ordinary course of nature.

5. Having been granted anticipatory bail for more than 09 months with stringent conditions imposed on him, and in view of the fact that the State appeal does not make out a ground of violation of the bail conditions coupled with the fact that another accused, who is attributed of a similar conduct, has been granted bail, we do not find that this appeal deserves to be considered. The same is, therefore, disposed off. We, however, find it appropriate to state that the conditions imposed on the respondent herein by the trial Court are expected to be scrupulously followed and in the event of violation of any of the the said conditions, the State would have a reason for seeking cancellation of bail.

[B. U. DEBADWAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE