

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

48 BAIL APPLICATION NO.1088 OF 2021

SHAIKH IQBAL SHAIKH YAKUB
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Mayure Pramod C.
APP for Respondents/State : Mr. P.G. Borade

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**AND
BAIL APPLICATION NO.1047 OF 2021**

MOHAMMED INTIAZ ABDULLA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. B.R. Waramaa
APP for Respondents/State : Mr. P.G. Borade

...

**CORAM : M.G. SEWLIKAR, J.
DATE : 20th October, 2021**

PC.:-

Heard. Both these applications can be disposed of by common order as they arise out of the same offence.

2. It is the case of the prosecution that dead body of the deceased was found in an injured condition. Subsequently, it was found to be of one Mirza Baig. He was the driver of a gas tanker bearing no.MH-04-HS-1289.

Accused Nafis Ahmed was the former driver on the same gas tanker and accused Imran Khan was the cleaner. On 29.06.2021, accused Nafis Ahmed and accused Imran Khan had left for their village by the tanker in question. Thereafter, accused Nafis Ahmed and Imran Ahmed hatched a conspiracy to kill the deceased and to sell the tanker. Accordingly, accused Nafis Ahmed and accused Imran Khan picked up a quarrel with the deceased. Accused Imran Khan alias Naushad Ali assaulted the deceased by means of a wheel tool on the head of the deceased. Accused Nafis Ahmed strangled the deceased by means of handkerchief. Thereafter, accused Nafis Ahmed started driving the tanker. The dead body was thrown at Purmepada within the jurisdiction of Taluka Police Station, Dhule. Tanker was sold to accused Mohammed Inthiaz who is the manager on gas pump. Accused Shaikh Iqbal showed the gas pump of accused Mohammed Inthiaz to the accused Nafis and accused Imran. On these allegations both the accused Mohammed Inthiaz and Shaikh Iqbal came to be arrested.

3. Heard Shri Waramaa learned counsel for the applicant in application no.1047/2021, Shri Mayure learned counsel for the applicant in application no.1088/2021 and Shri Borade learned APP for the State.

4. Entire role is attributed to accused Nafis Ahmed who was the former driver of the tanker and accused Imran who was the cleaner on the gas

tanker. The only role ascribed to the applicant Mohammed Inthiaz is that he purchased the gas at the gas pump from the gas tanker and so far as applicant Shaikh Iqbal is concerned only role ascribed to him is that he had shown the gas pump of accused Mohammed Shaikh. Barring this role prosecution could not collect any evidence against both the applicants to connect them with the offence. Applicants do not have criminal antecedents. They have permanent residence at Jalgaon and therefore, they are not likely to flee from justice and they will be available for trial. In view of this following order is passed:

ORDER

- I) Both the applications are allowed.
- II) Applicants in both the applications be released on PR bond of Rs.15,000/- each with one solvent surety in the like amount each, in connection with Crime No.251 of 2021 under Section 302, 420, 407, 411, 120-B, 201 read with Section 34 of the I.P.C. registered with Dhule Taluka Police Station, District Dhule.
- III) These observations are made only for the disposal of these applications and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]