

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

10 BAIL APPLICATION NO.1449 OF 2020  
WITH  
CRIMINAL APPLN NO.2288 OF 2020  
IN BA 1449 OF 2020

SAMEER BABULAL QURESHI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Sawant Amol S.  
APP for Respondent : Mr. A A Jagatkar  
Advocate for informant/assist to APP : Mr. S J Salunke

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CORAM : V.K. JADHAV, J.  
Dated: January 04, 2021

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**PER COURT :-**

1. Heard learned counsel Mr. Salunke in criminal application No.2288 of 2020 in Bail Application No. 1449 of 2020. For the reasons stated in the criminal application, application is allowed in terms of prayer clause 'B' and disposed off.

2. The applicants in bail application no.1449 of 2020 are seeking regular bail in connection with Crime No.I-35 of 2019 registered with Kotwali police station, District Ahmednagar for the offences punishable under Sections 307, 308, 324, 326, 452, 143, 147, 148, 149, 201 read

aaa/-

with Section 34 of IPC and Section 4/25 of Indian Arms Act. Their application below Exh.1 in Criminal Misc. Application No.1347 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 10.11.2020.

3. Learned counsel for the applicants submits that investigation is over and charge-sheet has been submitted. The applicants are in jail in connection with the present crime since 02.11.2020. Learned counsel submits that the applicants came to be released on anticipatory bail by imposing certain conditions, however, the applicants have not followed the conditions imposed by the Court to attend the concerned police station, as directed. Thus, on the basis of the application submitted by the injured witnesses, anticipatory bail even though it was confirmed by the Sessions Court was cancelled. Consequently all the applicants came to be arrested in connection with the present crime. Learned counsel submits that allegations have been made mainly against Mujahid

Qureshi, Wahed Qureshi and Irfan Qureshi, however, they have been released on regular bail. Learned counsel submits that, investigation is over and charge-sheet has been submitted. However, the Court below has refused bail to the applicants mainly on the ground that they have not followed the conditions imposed by the court while granting them anticipatory bail. They are ready to furnish surety. The applicants may be released on bail.

4. Learned A.P.P. assisted by Advocate Mr. Salunke has strongly resisted the application on the ground that name of the applicants are mentioned in the FIR. The applicants and their other companion have formed an unlawful assembly and in prosecution of the common unlawful object of the assembly assaulted the informant and his family members by entering into the house at about 10.30 p.m. Learned APP submits that the applicants have no respect to the order passed by the court directing them to attend the concerned police station. Learned APP submits that court below has

cancelled the anticipatory bail granted to the applicants and this court has confirmed the said order. The applicants may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that the investigation is now over and charge-sheet has been submitted. In view of the same, further detention of the applicants in jail is unwarranted and uncalled for. Other co-accused persons against whom allegations have been mainly made are released on bail. So far as present applicants are concerned, though their names are referred in the FIR, however, no specific role is ascribed to them. It appears that they have violated the conditions imposed by the Court below while releasing them on anticipatory bail to attend the concerned police station, their anticipatory bail application came to be cancelled and on the same ground their application seeking regular bail was turned down. Though, learned APP has vehemently submitted about the criminal history of applicant no.1, however, it appears that there

are two crimes registered against the applicant no.1 of the year 2013 and 2016 respectively and there is no recent criminal history as such. Thus considering the entire aspect of the case, I am inclined to release the applicants on bail. Hence, following order.

**O R D E R**

- I. Application is hereby allowed.
- II. The applicant No.1]- Sameer S/o Babulal Qureshi, 2] Abid S/o Babulal Qureshi and 3] Shakib S/o Arif Qureshi in connection with Crime No.I-35 of 2019 registered with Kotwali police station, District Ahmednagar for the offences punishable under Sections 307, 308, 324, 326, 452, 143, 147, 148, 149, 201 read with Section 34 of IPC and Section 4/25 of Indian Arms Act, be released on bail on furnishing personal bond of Rs.15,000/- (Rs. Fifteen Thousand) each with one surety each of the like amount on following conditions:-
  - a) The applicants shall not tamper with the prosecution evidence in any manner.
- III. Application is disposed off.

( **V.K. JADHAV, J.**  )

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