

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

**BAIL APPLICATION NO.677 OF 2022**

**Mohammad Asif @ Ashu Abdul Khayyum ... APPLICANT**

**VERSUS**

**The State of Maharashtra ... RESPONDENT**

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Mr. S.S. Gangakhedkar, Advocate for applicant  
Mr. S.P. Sonpawale, A.P.P. for respondent – State  
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**CORAM : R. G. AVACHAT, J.**

**DATE : 18th JULY, 2022.**

**PER COURT :**

Heard. This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0232/2021, registered at Loha Police Station, District Nanded for the offences punishable under Sections 394, 302, 397, 411, 201 read with Section 34 of the Indian Penal Code.

2. Perused the F.I.R. It has been alleged by the brother of the deceased, on the basis of what was told to him by the deceased that, the deceased had told the informant that three persons, whose faces were covered, had

intercepted him. One of them assaulted on his stomach with a knife. The other robbed him of a cell phone and amount of Rs.10,000/-. The third one gave a knife blow on his thigh.

3. The present applicant hails from Nizamabad (Telangana State). The cell phone of the deceased was recovered from some other witness who is said to have had bought it from the present applicant. This applicant has a cell phone shop. There is material to indicate that the culprits used to assault and rob victims of cash and cell phones and in turn, would sell the cell phones to the applicant herein. There is no other material to connect this applicant with the offence punishable under Section 302, 394 or 397 of the Indian Penal Code. At the most, ingredients of offence punishable under Section 411 of the Indian Penal Code may get attracted against him. These are the prima facie observations. In view of the above, I am inclined to grant bail to the applicant. Hence the order :

**ORDER**

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on bail in connection

with Crime No.0232/2021, registered at Loha Police Station, District Nanded for the offences punishable under Sections 394, 302, 397, 411, 201 read with Section 34 of the Indian Penal Code on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

**( R. G. AVACHAT )  
JUDGE**

fmp/-