

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

BAIL APPLICATION NO. 769 OF 2022

Aawesh Bismilla Shaikh	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. Naseem R. Shaikh, Advocate for applicant	
Mr. V. S. Badakh, APP for respondent - State	
....	

CORAM : R. G. AVACHAT, J.

DATED : 15th JULY, 2022

PER COURT :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0147/2021, registered with Nashirabad Police Station, District Jalgaon, for the offences punishable under Sections 302, 307, 201 read with 34 of the Indian Penal Code and under Sections 3/25, 3/27 and 4/25 of the Arms Act.

2. Heard.

Perused the First Information Report and the related papers.

3. The deceased was an accused in a crime punishable under Section 302 of the Indian Penal Code. On the day of which he was released on bail, he was on his way home along with his father and two friends. It has been averred in the FIR that the brother of the deceased Mohammad Kaif had threatened the father of the deceased Dhammapriya that no sooner Dhammapriya would be released on bail, he would be eliminated. While Dhammapriya along with his father and friend was on his way home on release on bail, they were intercepted by Samir Shaikh and Rehan Shaikh, the brothers of deceased Mohammad Kaif. What can be gathered from the FIR is that both these two had assaulted the informant and killed his son Dhammapriya. No overt act has been attributed to the applicant herein.

4. The learned APP informs that in the CCTV footage, the applicant was seen (on another motorbike) in the company of the assailant Samir Shaikh and Rehan Shaikh. Except this piece of evidence, there is nothing against the applicant. The learned APP would further submit that at the instance of the present applicant, there is recovery of his own cloths. He however admit that those

clothes did not bear blood stains. As such, it is a case for grant of bail to the present applicant.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0147/2021, registered with Nashirabad Police Station, District Jalgaon, for the offences punishable under Sections 302, 307, 201 read with 34 of the Indian Penal Code and under Sections 3/25, 3/27 and 4/25 of the Arms Act, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS