

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

BAIL APPLICATION NO. 1374 OF 2022

Ashique Beg Aslam Beg Mirza @ Baba Kalya ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mohammad Naseer A. Shaikh, Advocate for applicant

Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 23rd SEPTEMBER, 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.147/2021, registered at Nashirabad Police Station, Taluka Bhusawal, District Jalgaon, for the offences punishable under Sections 302, 307, read with 34 of the Indian Penal Code and Sections 3/25, 3/27 and 4/25 of the Arms Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. Admittedly, the applicant has not participated in commission of offence of murder. He is alleged to have supplied a fire arm, which in turn, came to be used in commission of the offence punishable under Section 302 I.P.C. As such, the applicant's criminal liability would be under the Arms Act. These are the *prima-facie* observations for grant of bail.

4. It is informed that the applicant has 14 criminal antecedents. The care thereof can be taken by imposing condition. Since on investigation, the charge-sheet has been filed and the applicant is alleged to have supplied the fire arm, which in turn, came to be used in commission of the main offence. The Court is inclined to grant him bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.147/2021, registered at Nashirabad Police Station, Taluka Bhusawal, District Jalgaon, for the offences punishable under Sections 302, 307, read with 34 of the Indian Penal Code and 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 attend the concerned police station on every alternate day between 11.00 a.m. and 12.00 noon, until conclusion of trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS