

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1393 OF 2022

1. ASHPAK SADIK PATHAN
2. SOHEL RAHMATULLA BEPARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 19-10-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent / State.

2. The applicant No.1 was the owner of the vehicle in which the animals were carried. The incident happened when the complainant intercepted the said motor vehicle. Thereafter, one person with the first informant was assaulted. The prosecution relies upon the transcription of the CCTV footage, but has no evidence that the applicant was one of the assailants. The applicants have a case that they were not present on the spot of the incident. However, applicant No.1 being owner of the vehicle, he has been arraigned as an accused. The applicants have been arrested on 14.08.2022. Nothing has been recovered from them. In view of that matter, it would be inappropriate to keep them behind bars. Hence, the following order :-

- i) The application is allowed.
- ii) Applicants No. (1) Ashpak Sadik Pathan and (2) Sohail Rahmatulla Bepari, be released on bail, on furnishing PB and SB of Rs.25,000/- with one solvent surety of the like amount, in C.R.No.598 of 2022 registered with Parner Police Station, Parner, Taluka Parner, District Ahmednagar, for the offences punishable under Sections 307, 326, 324, 323, 143, 147, 148, 149, 504 506 and 427 of the Indian Penal Code and Sections 142, 37(1), 37(3) and 135 of the Maharashtra Police Act.

**(S. G. MEHARE)
JUDGE**

rrd