

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

932 BAIL APPLICATION NO.1459 OF 2022

Ayaz Mohammad S/o Mohammad Gafoor
Age : 30 years, Occ : Business,
R/o Somwar Peth, Basmath Nagar,
Taluka Basmath Nagar, Dist. Hingoli

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

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Mr.D.S. Ingole h/f Mr.N.S. Ghanekar, advocate for
applicant.

Mr.K.S. Patil, APP for the respondent/State.

...

CORAM : S.G. MEHARE, J.

DATE : DECEMBER 08, 2022

PER COURT :-

. Heard learned counsel for the applicant and
learned APP for the respondent/State.

2. Learned counsel for the applicant would
submit that the applicant has been falsely
implicated in the crime on suspicion. In another
crime, some pistol and cartridges were recovered.
However, Ballistic Report does not match with the
live cartridges recovered from the spot of the
incident. In another three crimes, the applicant
has been released on bail. Suspicion is not
sufficient to keep the applicant behind bars. He
is languishing jail since 15th January, 2022. The
investigation is over. He is ready to abide by

the conditions, if imposed, while enlarging him on bail.

3. The learned APP has opposed the application mainly on the ground of antecedents to the discredit of the applicant and gravity of the crime.

4. Admittedly, Ballistic Report does not support the prosecution. It does not match with the live cartridges recovered from the so-called the spot of the incident. After this crime, the applicant was arraigned as an accused in other crimes. In those crimes, he has been granted bail. Considering the material on record, the applicant has a good case for bail. Hence the following order :-

ORDER

(i) The application is allowed.

(ii) Applicant be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of the like amount, in C.R.No.08 of 2022 registered with Kurudnda Police Station, Tq.Basmath Nagar, Dist.Hingoli for the offence punishable under sections 307, 393, 397, 398, 34 of the Indian Penal Code and section 3/25, 4/25 of the Indian Arms Act, on the conditions that he

shall not leave place of his residence without leave of the learned trial Court till the conclusion of the trial and not to involve in similar crime.

(S.G. MEHARE, J.)

SGA