

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

918 BAIL APPLICATION NO.1602 OF 2022
WITH APPLN/3514/2022 IN BA/1602/2022

1. CHAND SHAH RAZAK SHAH
2. MAJID SHAH RAZAK SHAH
3. AKRAM SHAH AZIZ SHAH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Deshpande Jagdish V.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Complainant to Assist APP : Ms. Pallavi P.
Wangikar h/f Mr. R. V. Gore.
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CORAM : S. G. MEHARE, J.
DATE : 14.10.2022

PER COURT :-

1. After hearing the learned counsel for the applicants, learned APP for the respondent-State and learned counsel for the complainant, the Court expressed disinclination to grant bail in favour of applicant No.1 Chand Shah and applicant No.3 Akram Shah. The learned counsel for the applicants, on instructions, seeks leave to withdraw their application. Leave granted.

2. Bail application of the above applicants stand dismissed as withdrawn.

3. So far as applicant No.2 Majid Shah is concerned, allegations against him appears not serious. He did not use any weapon in the crime. However, the prosecution has strongly opposed the application contending that the investigation is in progress. He is one of the relative of the other co-accused, so he may tamper the prosecution witnesses. Hence, he may not be released on bail.

4. As discussed above, role attributed to the applicant Majid is not so active. There are no allegations of use of the weapon at his hand. Considering the role attributed to him, nothing is to be recovered from him. The apprehension of prosecution of tampering with the prosecution witnesses can be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is partly allowed.
- (ii) Applicant No.2 MAJID SHAH RAZAK SHAH be released on bail on furnishing PB. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount, in Crime No.220 of 2022, registered by Police Station Jafrabad, District Jalna, for the offences

punishable under Sections 302, 307, 324, 323, 504, 506, 427 read with Section 34 of the IPC, on the following conditions :

- (a) Not to tamper with the prosecution witnesses.
- (b) Not to threat the witnesses and relatives of the deceased and first informant.
- (iii) Criminal Application No.3514 of 2022 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-