

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

34 BAIL APPLICATION NO.1739 OF 2022

SHAIKH WAJID SHAIKH AAREF
VERSUS
THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO.1610 OF 2022

SOHEL AFROJ PATEL
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Zakir Umar Shaikh, Mr. Shaikh
Kayyum Najir, respectively.

APP for Respondent-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.
DATE : 17.10.2022

PER COURT :-

1. Heard the learned counsels for the applicants and the learned APP for the respondent-State.
2. The applicants have been arraigned as accused in crime registered for the offence punishable under Section 379 of the IPC. It has been alleged against them that they have stolen the mopeds. The applicants were sent to the police custody. After the police custody, the police sought their Magisterial custody. The applicants are behind bars since 27.08.2022.

3. Learned counsel for the applicants would submit that nothing is to be recovered. There are no antecedents to discredit of the applicants. The offence is triable by the learned Magistrate. Therefore, their detention would be unnecessary.

4. Learned APP has strongly opposed the applications. She would submit that the applicants did not co-operate with the Investigating Officer during the course of investigation. Three (3) motor vehicles each have been seized from the applicants. Now-a-days the offences of stealing the vehicle is on rise in the city of Aurangabad. The applicants have been involved in many such cases. There may be possibility of repeating the crime by the applicants.

5. Perused the papers. The applicants have been undergone the police custody. Except these six (6) vehicles, no other vehicles were seized. It cannot be said that they did not co-operate the police. After the recovery, nothing is remained to be recovered. There were no antecedents to discredit of the applicants. In the facts and circumstances of the case, it would be inappropriate to keep them behind the bar. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.

- (ii) Applicant SHAIKH WAJID SHAIKH AAREF in Bail Application No.1739 of 2022 and Applicant SOHEL AFROJ PATEL in Bail Application No.1610 of 2022 be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety of the like amount each, in Crime No.201 of 2022 registered by Police Station City Chowk, District Aurangabad, for the offence punishable under Section 379 read with Section 34 of the IPC, on the condition to attend the Police Station on every Monday between 10.00 a.m. to 1.00 p.m. till filing the charge sheet.

(S. G. MEHARE, J.)

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vmk/-