

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

BAIL APPLICATION NO.1599 OF 2021

Saruf Khan s/o. Shakur Khan

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.P.V.Ambade, Advocate h/f. Mr.Sagar Bansode, Advocate for
applicant
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : JULY 29, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0208 of 2018 registered with M.I.D.C., C.I.D.C.O., Police Station, Aurangabad.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the Police Sub-Inspector attached with Crime Branch, Aurangabad. It has been alleged in the FIR that the Police Inspector had received a tip-off that on 27.08.2018, the decision in a M.C.O.C. case, wherein a criminal namely, Imran

Mehandi, who was one of the accused, was to be pronounced by the Court. Some members of his gang were arrived from Madhya Pradesh only with a view to flee him away (Imran Mehandi) from the police escort. A trap was, therefore, laid near Garware Statium. At a Chowk near Garware Stadium at about 10.30 A.M., a white colour jeep, a car and two motor-cyclists arrived. The Police officials intercepted them. The motor-cyclist did not listen to them and tried to run away. One of the Police officials caught hold of wrist of the motor-cycle rider. As a result, the motor-cyclist fell on one side. He took out a revolver and aimed at the first informant. Before he could fire a shot, the Police Constable Mr. Shevale and Shivaji Bhosale overpowered him. The Police party took into custody the persons in the jeep and the car. The persons overpowered, disclosed their names. Those have been mentioned in the F.I.R. On their search, a revolver with six live rounds came to be seized. On interrogation, it was revealed that all of them had come to flee away Imran Mehandi. The F.I.R., therefore, came to be registered against all of them.

4. Without going into the merits of the matter, suffice it to say that the applicant is behind the bars for close to four years. It is the submitted that the trial has not yet commenced. None of the

raiding party was injured. Since the applicant has been behind the bars for close to four years and the trial has not yet commenced, the Court is inclined to release the applicant on bail.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0208 of 2018 registered with M.I.D.C. C.I.D.C.O. Police Station, Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) The applicant shall attend the concerned police station once in a month i.e. on 10th day of every month in the evening between 7.00 p.m. and 8.00 p.m.

[R.G. AVACHAT, J.]

KBP