

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4009 OF 2021

Ekhalque Ahmad Mohammad Ishaque @ Mundi ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. M. N. Sandhyanshiv for the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : VINAY JOSHI, J.
DATE : 29th APRIL, 2022

P.C. :-

. The applicant is seeking for regular bail in Crime No. 422 of 2021 registered with Chandvad Police Station, Dist. Nashik for the offences punishable under Section 394 read with 34 of the Indian Penal Code and Section 4 read with 25 of the Arms Act.

2. The applicant seeks bail by stating that there is no incriminating material against him. Merely because in past several offences has been registered, the Police have falsely implicated him in existing crime. The State resisted bail by pointing towards the antecedents. It is submitted that in past various offences have been registered against the applicant.

3. True, antecedents is one of the factor for consideration, however, primly the role of the applicant in existing crime has to be seen. It is prosecution case that three persons have stolen two she goats and while committing theft caused hurt by means of knife. The allegation of

causing hurt is against co-accused. The role ascribed to the applicant is that he has provided motorcycle to other three thieves and as such he participated in the crime. Apparently, as per prosecution case, besides providing motorcycle there is no other role of the applicant. Merely on the basis of antecedents his liberty cannot be curtailed. Having regard to all above circumstances, applicant can be released on bail. However, as several offences are registered against him, I deem it appropriate to impose certain conditions while releasing him on bail. In view of that following order :-

ORDER

- (a) Application stand allowed.
- (b) Applicant namely Ekhalque Ahmad Mohammad Ishaque @ Mundi is released on bail in connection with Crime No. 422 of 2021 registered with Chandvad Police Station, Dist. Nashik for the offences punishable under Section 394 read with 34 of the Indian Penal Code and Section 4 read with 25 of the Arms Act., on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend concerned Police Station on every alternate Sunday between 10:00 a.m. to 12:00 noon till conclusion of trial or for the period of three years, whichever is earlier.
- (d) The applicant shall provide his cell number and residential address with documentary proof to the Investigating Officer within one week from his actual release.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (f) Breach of either of conditions would give rise to seek for cancellation.

(g) Application stands disposed in above terms.

[VINAY JOSHI, J.]

BIPIN
DHARMENDER
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