

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.125 OF 2023
WITH APPLN/376/2023 IN BA/125/2023

AVES AHMED S/O. KHALIL AHMED
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. S. Ghanekar
APP for Respondent/State : Mr. K. S. Patil
Advocate for complainant : Mr. Mahesh K. Bhosale
...

CORAM : S. G. MEHARE, J.

DATE : 08-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.
2. The alleged role attributed to the applicant is that few days before the incident, he along with the co-accused beat one Shaikh Saddam. He was barely present on the spot of the incident. He did not have any weapon and assaulted anybody.
3. The order of the Honourable Supreme Court relied upon by the learned counsel for the applicant in a case of **Mohammad Haji Abdul Rahim Versus The State of Maharashtra and another**, Criminal Appeal (Arising from SLP (Crl.) Nos. 7261-7262 of 2021) dated 14.03.2022, is distinguishable on facts.

4. Considering the role attributed to the applicant and in absence of the incriminating evidence against him, the applicant deserves bail. Hence, the order :-

- i) Application is allowed.
- ii) Applicant Aves Ahmed s/o. Khalil Ahmed 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.464 of 2022 registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 302, 307, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3/25 and 4/27 of the Arms Act, on the condition that he shall not tamper with the prosecution witnesses.
- iii) Criminal Application No.376 of 2023 stands disposed of.

**(S. G. MEHARE)
JUDGE**

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