

(1)

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

BAIL APPLICATION NO.191 OF 2023

**SHAIKH SHAHRUKH SHAIKH RASHID ALIAS SRK
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Arora Shyam C.
APP for Respondent/State : Mr. S.P. Deshmukh

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

DATED : FEBRUARY 08, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. It appears that in the spur of moment, the incident happened when the deceased denied to pay the money to the co-accused. The co-accused brought the knife from his house and stabbed the deceased in his stomach. The allegations levelled against the applicant were that he assaulted the deceased with same knife on his leg.
3. The applicant has a case that since the incident happened within few minutes, he could not understand the incident. Therefore, he flee away with the co-accused. He did not assault the deceased. The allegations have been levelled against him only for the reason that he was accompanying the co-accused. Nothing has been recovered from him. Therefore, he may be granted bail.

4. The application is opposed on the ground that there are antecedents to his discredit. The offence is serious. The applicant has shared the common intention.

5. The facts appears as discussed above. The allegations have not been made against the applicant that he assaulted the deceased on the vital part of the body. Nothing has been recovered from him. In these circumstances, he deserve bail. Hence, his antecedents would not come in his way. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shaikh Shahrukh Shaikh Rashid @ SRK, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.298 of 2022, registered with Nanalpeth Police Station, District Parbhani for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 4 and 25 of Arms Act, on the conditions that;

- (a) The applicant shall attend the concerned police station on every Sunday of the month between 8.00 a.m. to 10.00 a.m. until conclusion of the trial.

(3)

(b) The applicant shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//