

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

BAIL APPLICATION NO.273 OF 2023

**KHURSHID RAJU QURESHI
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Gaikwad Ashok Prakashrao
APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 28, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The prosecution case rest upon the circumstantial evidence and the story of last seen together. Similarly situated co-accused has been released on bail long back. However, the applicant has a case that due to poverty, he could not reach this Court. Though the witnesses have been examined, nothing has come against him. The applicant is 19 years old. The material witnesses have been examined in the sessions trial. Therefore, he may be granted bail.
3. Learned APP opposed the application on the ground that the trial is likely to be concluded shortly. The applicant may tamper with the prosecution witnesses.

4. Normally, the Court did not consider the ground that the material witnesses did not support the prosecution. However in the case at hand, the poverty appears to be the ground that kept the applicant away from approaching this Court quickly. Only for want of money, no one should be deprived of right to claim the bail. Similarly situated co-accused has been released on bail long back. It also appears that the applicant was not advised to seek the bail on parity before the same Sessions Court. In view of these peculiar facts and circumstances of the case, the application deserve to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Khurshid Raju Qureshi, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.279 of 2021, registered with Jintur Police Station, District Parbhani for the offence punishable under Section 302 read with 34 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each and every date.

(S.G. MEHARE, J.)