

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

934 BAIL APPLICATION NO.833 OF 2023

MUBARAK ALI SHAH GULAM HUSSAIN SHAH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vishal S. Nikalje, Mr. Nannaware
Sachin Madukar.
APP for Respondent-State : Mr. K. S. Patil
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CORAM : S. G. MEHARE, J.
DATE : 14.06.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.255 of 2022, registered at Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 396, 120-B of the IPC.
3. The CCTV footage of the incident was recovered by the police. The applicant did not capture in the CCTV footage of the spot of the incident. However, in another CCTV footage, he was seen in a shop and paying money for the rope. The so called stolen property was recovered at his instance from his house at Wasai, District Palghar. The watchman was died of

suffocation. Considering this material, the role attributed to the applicant, it does not appear that he was actually involved in committing the murder of the watchman. There are no antecedents to his discredit. In the circumstances of the case, the role attributed to the applicant and having no antecedents to his discredit, he deserves bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **MUBARAK ALI SHAH GULAM HUSSAIN SHAH** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.255 of 2022, registered at Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 396, 120-B of the IPC, on the following conditions :
 - (a) He shall attend the trial on each and every effective date.
 - (b) He shall submit his mobile phone number with the Police Station with an undertaking

that he would not change the same till
conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-