

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

935 BAIL APPLICATION NO.844 OF 2023

MUSHTAK AHMED GULAM RASUL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhide Vinod Y.
APP for Respondent-State : Mr. Y. G. Gujarathi.

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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.798 of 2022, registered at M.I.D.C. Police Station, District Ahmednagar, for the offences punishable under Sections 341, 394, 395 read with Section 34 of the IPC.
3. As per the FIR, there were four persons who intercepted the truck of the complainant. Out of them, two entered in the truck, tied his hands and covered the eyes and then they travelled for about two hours and thereafter the complainant was left in the midway. After the investigation, the stolen *jowar* bags were recovered at the instance of the co-accused

Aasim Syed Bukhari. As far as the applicant is concerned, he was identified, but the first informant did not state about his role. One car and one motorcycle were recovered from the applicant. Except this, there is nothing against the applicant. As far as the antecedents are concerned, in one of the crime, the applicant has been acquitted by the High Court and another is pending. The antecedents in every case is no ground to deny the bail. Except the recovery of vehicles, there is nothing against the applicant. Charge sheet has been filed. Therefore, further detention of the applicant would be unjustifiable. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **MUSHTAK AHMED GULAM RASUL SHAIKH** 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.798 of 2022, registered at M.I.D.C. Police Station, District Ahmednagar, for the offences punishable under Sections 341, 394, 395 read with Section 34 of the IPC, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall not involve in a similar crime.
- (c) He shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-