

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.859 OF 2023

ASIM S/O SAEED BUKHARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. S. Kazi
APP for Respondent : Mr. Y. G. Gujrathi
...

CORAM : S. G. MEHARE, J.

DATE : 14-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No. I-798 of 2022 registered with M.I.D.C. Police Station, Ahmednagar for the offences punishable under Sections 341, 394 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant would submit that the applicant was not in actual possession of Jawar bags. He was forced to make a statement under Section 27 of the Indian Evidence Act, to show the place where the jawar bags were kept, though the police were knowing where those were kept. The first informant did not identify the applicant during the identification test. The applicant is a young boy of 23 years old having no

antecedents. Nothing is to be recovered from him. Hence, he may be granted bail.

4. The learned A.P.P. has opposed the application. He would submit that there is a witness who states that the applicant has moved jawar bags in godown of Mr. Javed. He was having knowledge about the same. Hence, a number of jawar bags were recovered at his instance. The offence is serious. He may not be granted bail.

5. It is admitted that the gunny bags containing Jawar were recovered from the godown owned by Mr. Javed Anis Shaikh, resident of Malegaon, District Nashik. The applicant was not identified. Considering the age of the applicant and having no antecedents to his discredit and completion of the investigation, the Court thinks that it is not a good for the future of the applicant to keep him behind bar. He may be released on bail on certain conditions. Hence, the order:-

- i) Bail application is allowed.
- ii) Applicant Asim s/o. Saeed Bukhari 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. I-798 of 2022 registered with M.I.D.C. Police Station, Ahmednagar for the offences punishable under Sections 341, 394 read with Section 34 of the Indian Penal Code, on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall not contact the other co-accused in any mode or manner till conclusion of the trial.
- (c) He shall furnish his mobile number to the Police Station M.I.D.C. Ahmednagar with undertaking that he shall not change his mobile number till the conclusion of the trial.
- (d) He shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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