

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

BAIL APPLICATION NO.1020 OF 2023

MOIN AKBAR CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P. P. More
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 05.07.2023

PER COURT :

1. Heard learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in Crime No. 307 of 2023 registered with Vivekanand Police Station, District Latur for the offences punishable under Sections 302, 452, 109, 114, 143, 144, 145, 147, 148, 149, 504 of the Indian Penal Code and Section 135 of Maharashtra Police Act.
3. The papers reveal that the incident happened in the courtyard of one Chabubai. The wife of the deceased claimed that she also witnessed the incident from the window of her house. However, she learnt the name of the applicant from the people residing in the

lane.

4. The learned counsel for the applicant would submit that applicant was not the resident of the locality where the incident happened. He was just passing through the road. After the incident immediately the police van came to the spot where the incident happened and arrested the persons present there including applicant. In fact, he was also not invited to the dinner at the house of the main accused. Since he was pedestrian, police arrested him and arraigned as an accused. Nothing is recovered from him. He has no concern with the alleged incident.

5. It is not disputed that applicant is not the resident of the locality where the incident happened. Nothing is recovered from him. The first informant who allegedly witnessed the incident also did not know the name of the applicant. She learnt the name of the applicant from the residents of her locality. There appear substance in the contention of the learned counsel for the applicant. Hence, the following order

ORDER

- (i) The application is allowed.
- (ii) Applicant Moin Akbar Chaudhari be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of

the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall attend the Police Station as and when called by the Investigating Officer on written notice till filing the charge sheet.

(S. G. MEHARE)
JUDGE

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