

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

BAIL APPLICATION NO. 1557 OF 2023

Ashpak Akhtar Shaikh

... Applicant

Versus

The State of Maharashtra

... Respondent

...

Mr.Dattatraya Rambhau Markad, Advocate for Applicant

Mrs. P. V. Diggikar, APP for the Respondent – State

...

CORAM : S. G. CHAPALGAONAKAR, J.

DATE : 14.09.2023

PER COURT :-

1. The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with CR. No. 220/2023 registered with Rahata Police Station, District Ahmednagar for offences punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and Section 3/25 of the Arms Act.
2. The investigation is set in motion on the basis of the information given by Vijay Bobde, resident of Sambhaji Chowk, Rahta, who alleges that he is in business of transportation of foodgrains for fair price shop under contract of the Government. On 14.03.2023, his vehicle was loaded with foodgrains for being transported to the fair price shop. The accused Deepak Pogle halted the vehicle and possessed challan under threats to the

driver. On call from the driver, the informant reached on the spot. Accused Deepak Pokle demanded sum of Rs. 10,00,000/- and threatened informant to kill. The informant paid the amount of Rs. 4,00,000/- under threats to said Deepak, however, he continued with his demand. On denial to pay such amount, he apprehended the informant using a pistol. It is further alleged that at the relevant time, the applicant arrived at the spot and accompanied accused – Deepak . The applicant was arrested in pursuance of aforesaid crimes and he is behind the bars. His prayer for release on bail has been rejected by the learned Sessions Judge under his order dated 24.07.2023.

3. Learned Advocate appearing for the applicant, would submit that the entire allegations in the F.I.R. are against the Deepak Pokle. No specific role is attributed against the applicant. Inviting attention of this Court to report regarding CCTV footage at petrol Pump, he would submit that the presence of the applicant could not be noted. He would further submit that investigation in matter is complete. Charge-sheet is filed. Further detention of the applicant would not be necessary. The applicant is ready to abide by the conditions as imposed by the Court.
4. Per contra, Mrs. Diggikar, learned APP opposes the application. She would submit that the main accused Deepak is habitual offender. As many as 15 offences are registered against him. The applicant is assisting him in commission of such offence. She would submit that although no specific role is attributed against the applicant, the presence of the applicant at the spot is noted.

5. Having considered the submissions advanced and particularly perusal of the F.I.R., reveals that except alleged presence of the applicant near the petrol pump where the main accused made the demand of amount from the informant, no other role is attributed against applicant. The investigation papers, which are made part of the charge-sheet are silent about active role or participation of applicant in commission of the offence. The applicant is behind bar since long. Trial would take its own course. Applicant is arrested on 15.04.2023. Investigation is complete. In Bail Application Nos.1381 and 1350/2023, this Court has granted bail to co-accused having some attributions in charge-sheet. No purpose would serve by continuing further detention of applicant. However, to secure the interest of the prosecution, the applicant can be released on bail by imposing certain conditions. Hence, the following order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant, namely, Ashpak Akhtar Shaikh be released on bail in Crime No. 220/2023 registered with Rahata Police Station, District Ahmednagar for the offence punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and Section 3/25 of the Arms Act, subject to furnishing of P.R. Bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) each with solvent surety of like amount.
- (iii) The applicant shall not tamper with the prosecution witnesses or evidence in any manner.

- (iv) The applicant shall not establish contact with any witness named in charge-sheet.
- (v) The applicant shall attend the Trial Court on given dates.
- (vi) Bail application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

Sameer