

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1766 OF 2023

1. Mohammad Mazharoddin Naimoddin

2. Imran Khan Mustafa Khan

... Applicants

Versus

The State of Maharashtra and Anr.

... Respondents

...

Mr. S. S. Deshmukh, Advocate for the Applicants
Mr. S. P. Deshmukh, APP for the Respondents – State

...

WITH

BAIL APPLICATION NO. 1745 OF 2023

1. Akash Irbaji Sunkarwad

2. Lakhan Irappa Gadamwar

3. Kanba Ganpat Tammalwad

4. Shriram Purbaji Maldode

5. Sachin Parshuram Edke

... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. S. S. Deshmukh h/f Mr. S. C. Bhosle, Advocate for the Applicants
Mr. S. P. Deshmukh, APP for the Respondent – State

...

WITH

BAIL APPLICATION NO. 1746 OF 2023

1. Maroti Yeshwanta Jangamwad

... Applicant

Versus

The State of Maharashtra

... Respondent

...
Mr. S. S. Deshmukh h/f Mr. P. Y. More, Advocate for the Applicant
Mr. S. P. Deshmukh, APP for the Respondent – State

...
CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.10.2023

PER COURT :

1. Heard the learned Advocate for the applicant/s and learned APP for the respondent/State.
2. By these application/s, the applicants seek regular bail in connection with Crime No.328/2023 registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 341, 395 and 427 of the Indian Penal Code [for short 'IPC'].
3. The investigation was set in motion on the basis of information given by Irshad Khan Israil Khan, who alleges that, on 13/09/2023, he was transporting 21 bullocks from village Mauda in his truck bearing registration No.MH-40-N-7517. At about 4:00 am, he noticed that, 10 to 12 persons armed with stick were standing near village Somthana. Suddenly, the tyre of his truck got punctured because of nails. Therefore, he was required to stop his truck. The persons holding the stick in their hands rushed towards truck and broken the front window shields. The informant escaped from the truck. However, two persons from the mob intercepted him and they forcibly snatched the amount of Rs.3,800/- from his pocket. On the

basis of aforesaid information, Crime No.328/2023 came to be registered with Bhokar Police Station for the offences punishable under Sections 395, 341 and 427 of IPC and Section 4/25 of the Arms Act [for short 'the Act'].

4. The investigation is progressed. The applicants have been arrested on 16/09/2023. The investigation paper are submitted by the learned APP for perusal of this Court.
5. Learned Advocate appearing for the applicants would submit that they have been falsely implicated in the offence. He invites attention of this Court towards the FIR in Crime No.325/2023 dated 14/09/2023 registered with Police Station Bhokar against the complainant / informant. The FIR shows that the informant is an accused of the commission of offences punishable under Sections 11(1)(c), 11(1)(d), 11(1)(f) of Prevention of Cruelty to Animals Act, 1960 and Sections 5(A)(1), 5(A)(2) and 9 of the Maharashtra Animal Preservation Act, 1976. He would submit that with intention to come out of the offence registered against the informant, a false story has been hatched and they are booked in the offence.
6. Learned APP points out from the investigation paper that the amounts of Rs.1800/- and Rs.2000/- have been seized from the accused in Bail Application No.1732/2023 and accused in Bail Application No.1766/2023 respectively. He would submit that, there are previous offences registered against the

applicants. According to the learned APP, the offences are serious in nature. The investigation is still in progress. Hence, he prays for rejection of the bail.

7. Having considered the submissions advanced, apparently, the FIR has been lodged for the offences punishable under Sections 341, 395 and 427 of IPC. From the contents of FIR, no specifications of the offender can be gathered. Admittedly, identification parade is not conducted. There is nothing to indicate that the applicants were offender. The recovery of the amount of Rs.3,800/- from the applicants is under seizure panchnama under Section 165 of Cr.PC and not under Section 27 of the Evidence Act. Pertinently, the denomination of the amount or currency notes, which is a subject matter of crime, is missing in the FIR. It is difficult to reconcile the recovered amount with the offence. The investigation paper shows that the substantial investigation is carried. The applicants are behind the bars since 16/09/2023. Further detention of the applicants would not be necessary. In that view of the matter, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Applications are allowed.
- (ii) The applicant/s, namely, (1) Mohammad Mazharoddin Naimoddin, (2) Imran Khan Mustafa Khan in BA No.1766/2023, applicants, namely, (1) Akash Irbaji Sunkarwad, (2) Lakhan Irappa Gadamwar, (3) Kanba Ganpat Tammalwad, (4) Shriram

Purbaji Maldode and (5) Sachin Parshuram Edke in BA No.1745/2023 and applicant, namely, Maroti Yeshwanta Jangamwad in BA No.1746/2023 be released on bail in connection with Crime No.328/2023 registered with Bhokar Police Station, District Nanded for the offences punishable under Sections 341, 395 and 427 of on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand Only) each on the following conditions:

- (a) The applicants shall not tamper with the prosecution evidence/ witnesses in any manner.
 - (b) They shall attend concerned Police Station once in a week i.e. on every Monday between 10:00 am to 2:00 pm till filing of charge-sheet.
- (iii) Bail Applications are disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer