



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

942 BAIL APPLICATION NO. 2202 OF 2023

MEHBOOB ISMAIL SHAIKH

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

...

Advocate for Applicant : Mr. Shaikh Mazahar A. Jahagirdar

APP for Respondents: Mr. A.S.Shinde

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 21.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No.798 of 2022 registered with M.I.D.C. police station Ahmednagar, District Ahmednagar for the offences punishable under sections 341, 394, 395 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Maruti Chandrakant Jadhav who is a truck driver by occupation. It is alleged that he was proceeding in his truck from Aurangabad to Ahmednagar road. The truck was loaded with Jawar bags. At about 2.30 p.m. his truck was intercepted by the accused persons. They entered in the truck

and raised assault on informant. His hands and legs were tied and he was thrashed to rear seat in the cabin. His cash amount and mobile phone were snatched. Culprit took the charge of the truck then dropped the informant on mid-way. On the basis of such information Ccrime No. 798 of 2022 came to be registered with MIDC Police Station, Ahamednagar. The applicant came to be arrested on 25.11.2022 and since then he is behind the bar.

3. Mr. Mr. Shaikh Mazahar A. Jahagirdar, learned Advocate appearing for the applicant would submit that in all 6 persons have been arrayed as an accused in the charge-sheet. All the accused persons are already enlarged on bail. The applicant is also entitled for same treatment on principle of parity particularly in view of the order of this Court dated 14.06.2023 in Bail Application No. 844 of 2022 by which accused Mustak Ahmed Gulam Rasul Shakih has been enlarged on bail.

4. The learned APP submits that the offence is serious. However, he fairly concedes that the co-accused persons are already enlarged on bail and the role of the applicant cannot be distinguished from them.

5. Having considered the submissions advanced and on

going through the contents of the charge-sheet, it is apparent that there is no recovery of incriminating articles from the applicant. Although he is alleged to have identified by the first informant, his role is not specified in the commission of offence. The recovery of incriminating article is shown from the accused Asim Syed Bukhari who is also enlarged on bail. Similarly another accused identified by the first informant is also enlarged on bail vide order dated 14.06.2023 in Bail Application No. 844 of 2023. The investigation in this matter is complete. The charge-sheet is filed. The applicant is behind the bar for more than one year. Hence the further detention of the applicant would not be necessary. A case is made out for grant of bail on certain conditions. Hence the following order :

O R D E R

- i) Bail Application is hereby allowed.
- ii) The applicant – Mehboob Ismail Shaikh be released on bail, if not required in any other crime, in connection with Crime No.798 of 2022 registered with M.I.D.C. police station Ahmednagar, District Ahmednagar for the offences punishable under sections 341, 394, 395 r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty

Thousand), and a local surety in the like amount, on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective dates of hearing before the trial Court.
 - c] The applicant shall furnish his detailed permanent address along with the supportive documents and contact numbers with the concerned Investigating Officer and shall update the same from time to time till conclusion of the trial.
- iii) Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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