



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO. 15 OF 2024

1) Shakil @ Saddam Nasir Shaikh
2) Samir s/o Nasir Shaikh
VERSUS
The State of Maharashtra

Advocate for Applicants : Mr. H.D. Deshmukh
APP for Respondent: Mr. Mukesh K. Goyanka

CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th FEBRUARY, 2024.

PER COURT :-

1. This is an application for grant of bail under section 439 of Cr.P.C. in connection with crime No. I-1016 of 2023 registered with Newasa police station, District Ahmednagar for the offences punishable under Sections 307, 323, 324, 326, 504, 506, 143, 147, 148, 149 of I.P.C. Their application with similar prayer bearing criminal bail application No. 361 of 2023 came to be rejected by the learned Additional Sessions Judge, Newasa, vide order dated 21.12.2023.

2. It is averred in the report that a quarrel took place in front of chicken shop and the persons of both the sides had assaulted on each other. Therefore, counter reports were registered.

3. Learned advocate for the applicants submitted that when the

applicant No.1 registered a report on 09.10.2023 against the complainant and others in respect of assault, in which he sustained injuries, after 12 days i.e. on 20.10.2023, the informant registered the report against these applicants and others. Practical investigation is over. He therefore, prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application by pointing out the injury certificate and the role of these applicants. He therefore, prayed for rejection of application.

5. Perused the F.I.R. and the other documents. The co-accused are released on bail by the order of this Court dated 02.02.2024 passed in ABA Nos. 1976 of 2023 and 2049 of 2023. The further custody of the applicants is not necessary. Delay caused in lodging the F.I.R. is not explained. The applicants have roots in the society. Considering the fact that the trial will take long period and the applicants will not flee away from the trial, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. I-1016 of 2023 registered with Newasa police station, District Ahmednagar for

the offences punishable under Sections 307, 323, 324, 326, 504, 506, 143, 147, 148, 149 of I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

rlj/