



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 BAIL APPLICATION NO. 128 OF 2024

NAEEM AHMED SALEEM AHMED @ ABDUL HAFIZ ANSARI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rahul Pandhari Cheble
APP for Respondent/State : Mrs.Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 2nd FEBRUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of Cr.P.C. in connection with crime No. 434 of 2023 registered with Gandhi Chowk police station, Latur, District Latur, for the offences punishable under sections 457, 380, 411, 120-B r.w. 34 of I.P.C. His application with similar prayer bearing criminal bail application No. 797 of 2023 came to be rejected by the learned Additional Sessions Judge, Latur, vide order dated 21.11.2023.

2. The informant averred in the report that on 27.8.2023, he closed down his shop at about 9.00 p.m.. On 28.8.2023, at about 7.30 a.m. he received a phone call from his friend that the shutter of his shop has been partly opened. He went there and noticed that mobile handsets, tabs, smart watches etc. were stolen away. Accordingly, the F.I.R. came to be registered. The applicant and

other co-accused were arrested. Stolen articles were seized from them. Investigation is over and the charge sheet is filed.

3. Learned advocate for the applicant submitted that the incriminating articles are seized. The further custodial interrogation of the applicant is not necessary. The applicant has roots in the society. Co-accused are released on bail. He lastly submitted to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out that the mobile handsets etc. are seized at the instance of the applicant. However, considering serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge sheet. The incriminating articles are seized at the instance of the applicant and other accused under Section 27 of the Indian Evidence Act, 1872. Entire investigation is over and the charge sheet is filed, the custody of the applicant, is not necessary for further investigation. The applicant has roots in the society. The applicant will not flee away from trial. The trial will take long period. Considering all these aspects, the applicant can be released on bail by imposing certain conditions. The application therefore, deserves to be allowed. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 434 of 2023 registered with Gandhi Chowk police station, Latur, District Latur, for the offences punishable under Sections 457, 380, 411, 120-B r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not leave the Maharashtra State without the permission of the Trial court.
 - c) The applicant shall not involve himself in similar kind of offences.
 - d) The applicant is further directed to furnish his phone number and residential address to the concerned investigating officer.
 - e) If the applicant flout the above conditions, the investigating officer or the prosecution may apply to the trial court for cancellation of bail. The trial court shall decide it on merits without reference to this Court.

(SANJAY A. DESHMUKH, J.)