



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 403 OF 2024

Abudl Alim Abdul Rahim

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 4th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 398 of 2022 registered with Vimantal police station, Nanded, District Nanded, for the offences punishable under Sections 302, 364, 341, 143, 147, 148, 149, 120-B of the I.P.C. and under Section 135 of Maharashtra Police Act. His application with similar prayer bearing Misc. criminal bail application No. 97 of 2024 came to be rejected by the learned Additional Sessions Judge, Nanded, vide order dated 12.2.2024.

2. It is averred in the report and the charge sheet that the applicant and other accused committed murder of Swapnil Sheshrao Nageshwar, who was loving with one married woman having a child and they were found at a spot while talking with each other. The applicant and co-accused went there and thereafter assaulted on

both of them. Later on, the applicant had taken Swapnil to another place and there he was murdered.

3. Learned advocate for the applicant submitted that all co-accused are released on bail. The applicant is practicing advocate. He has roots in the society, he will not flee away from the trial, the trial will take a long period and the further custody of the applicant is not necessary. It is lastly prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of commission of murder. There is strong evidence against the applicant. If the applicant is released on bail, the applicant would pressurize the witnesses and tamper the evidence. He lastly prayed for rejection of the application.

5. Perused the charge sheet, particularly the statements of witnesses, post mortem report of the deceased Swapnil who was assaulted. The applicant has roots in the society, he will not flee away from trial, the trial will take a long period. The other accused persons, who are similarly situated, are released on bail. The applicant is therefore, entitled for bail on the ground of parity. The application, therefore, deserves to be allowed on certain conditions on the principle of bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 398 of 2022 registered with Vimantal police station, Nanded, District Nanded, for the offences punishable under Sections 302, 364, 341, 143, 147, 148, 149, 120-B of the I.P.C. and under Section 135 of Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- 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 witnesses, in any manner.
 - b) If any breach of above condition is noticed by the trial court, the trial court may cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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