



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 449 OF 2024

Shaikh Azar @ Shaikh Guddu S/o Shaikh Kadir

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Paikrao Siddharth B.

APP for Respondent/State : Mr.Satish A. Gaikwad

...
WITH

BAIL APPLICATION NO. 418 OF 2024

Syed Akbar Syed Habib

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. G.R. Syed

APP for Respondent/State : Mr.Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 20th MARCH, 2024.

PER COURT :-

1. Leave to correct the name of applicant in Bail Application No. 449 of 2024.
2. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.46 of 2024 registered with Kotwali Police Station, Parbhani, Tq. & Dist. Parbhani

for the offence punishable under section 380 of the Indian Penal Code.

3. It is averred in the report by the informant that on 31.01.2024, he went to Parbhani in Urus festival for selling cup saucer. On 11.02.2024 at about 12.00 noon, he came to Urus Yatra for selling cup saucer. That time, his friends after closing the shop went to their room. They told him that someone has broken the roof of the room and the articles are found scattered there. He opened the door of room and there he saw that an amount of Rs.5,50,000/- which have been kept in lack colour bag, was stolen away. He took search as to who might have committed theft. Thereafter, he lodge the report.

4. The learned advocates for the applicants submitted that the applicants have been falsely implicated in the crime. The applicants have roots in the society. They will not flee away from the trial, practical investigation is over and the trial will take long period. They therefore prayed to allow the applications.

5. The learned APP for the respondent-State strongly opposed the applications and submitted that the applicants are involved in the serious crime. The amount of theft is totally not recovered from them. However, an amount of Rs.5,000/- and Rs.20,000/- i.e. total amount of Rs.25,000/- is seized. There is strong evidence against the applicants. It is lastly prayed to reject the

applications.

6. Perused the charge-sheet, particularly the report and statements of the witnesses and the seizure panchanamas under section 27 of the Indian Evidence Act. Apart from the merits, considering the fact that the practical investigation is over, the custody of the applicants is not necessary, the applicants have roots in the society, they have no criminal antecedents, trial will take long period, presence of the applicants can be secured, the application therefore, deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants, in connection with crime No.46 of 2024 registered with Kotwali Police Station, Parbhani, Tq. & Dist. Parbhani, for the offence punishable under section 380 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicants shall attend the trial regularly.
 - c) The applicants shall not contact with the informant or the witnesses.

III) If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to proceed against the applicants for cancellation of their bail without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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