



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 BAIL APPLICATION NO. 484 OF 2024

Gundupasha Jainoddin Sayyed

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Deshpande Gaurav L

APP for Respondents: Mrs. Pratibha J. Bharad

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WITH

965 BAIL APPLICATION NO. 567 OF 2024

1) Shabbir Chandpasha Sayyad

2) Rafik Chandpasha Sayyad

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Tukaram M. Venjane

APP for Respondents: Mrs. Pratibha J. Bharad

CORAM : SANJAY A. DESHMUKH, J.

DATED : 4th APRIL, 2024.

PER COURT :-

1. These are applications for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 60 of 2024 registered with Murud police station, District Latur for the offences punishable under Sections 307, 324, 323, 504, 506 r.w. 34 of I.P.C. and crime No. 58 of 2024 registered with Murud police station, District Latur for the offences punishable under Sections 307, 326, 324, 504, 506 r.w. 34 of I.P.C., respectively. Their applications with similar prayers bearing criminal

bail application No. 118 of 2024 came to be rejected on 6.3.2024 and criminal bail application No. 128 of 2024 came to be rejected on 19.3.2024, respectively, by the learned Additional Sessions Judge-4, Latur.

2. The reports are lodged against each other on account of a sudden fight took place on 9.2.2024 between these two groups and they assaulted on each other by iron angle etc. and the applicants in both the cases are arrested.

3. Learned advocates for the applicants in both the applications submitted that the applicants are behind bars since 10.2.2024 i.e. for more than one and half months. The practical investigation is over. The applicants have roots in the society, they will not flee away from the trial, the trial will take a long time, they have no criminal antecedents. They therefore prayed for allowing the applications.

4. Learned A.P.P. for the respondent-State has strongly opposed the applications and submitted that the applicants in both the applications are involved in serious crimes. The happening of the incident at the instance of the applicants, cannot be ruled out. Learned A.P.P. therefore, prayed for rejection of the applications.

5. Perused the report and the papers of investigation. The applicants have no criminal antecedents. Though they are resident

of one and the same village, now they have decided to settle the dispute. The practical investigation is over. Considering the peculiar facts of the case, the applicants are entitled for bail, on certain conditions, on the principle that the bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicant in bail application No. 484 of 2024 in connection with crime No. 60 of 2024 registered with Murud police station, District Latur for the offences punishable under Sections 307, 324, 323, 504, 506 r.w. 34 of I.P.C. and the applicants in bail application No. 567 of 2024 in connection with crime No. 58 of 2024 registered with Murud police station, District Latur for the offences punishable under Sections 307, 326, 324, 504, 506 r.w. 34 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 witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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