



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 594 OF 2024

IRFAN SHARIF KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. J. M. Murkute
APP for Respondent : Ms. D. S. Jape
...

CORAM : S. G. MEHARE, J.
DATE : 26-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The disobedient applicant, who remained absent for six and half years after granting bail and making a false statement that during that period he was behind bar, seeks bail in C.R.No.9 of 2015 registered with Parali City Police Station, District Beed, for the offences punishable under Sections 353, 332, 333 and 336 of the Indian Penal Code.
3. Learned counsel for the applicant plead for him that he has a family. He is ready to furnish two sureties. He is a layman having no knowledge of law.

4. Learned A.P.P. submits that the conduct of the applicant is material. He tried to mislead the Court by a false statement that he was behind bar for six and half years.

5. The conduct of the accused is one of the factors to exercise the discretionary relief under Section 439 of the Code of Criminal Procedure. Bail is not a right. It is a matter of discretion to be used based upon the facts and circumstances of the case. The applicant had assaulted the police staff, who went to search him in another crime. The Court took a lenient view and granted him bail but he proved to be untrustworthy by remaining absent for six and half years and making a false statement that he was behind bar during the said period. The conduct and the statement of the applicant does not inspire the confidence that he would attend the trial if bail is granted to him.

6. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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