



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1041 BAIL APPLICATION NO. 674 OF 2024

1) Altab Tayyab Sheikh
2) Altmash Bashir Sheikh
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar and Mr.
Mahale Sagar Prakash
APP for Respondents: Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 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. 215 of 2024 registered with Shevgaon police station, District Ahmednagar for the offences punishable under Sections 307, 327, 323, 506 r.w. 34 of the I.P.C. Their application with similar prayer bearing criminal bail application No. 351 of 2024 came to be rejected by the learned Additional Sessions Judge, Ahmednagar, vide order dated 3.4.2024.

2. It is averred in the report that the informant is social worker working in Bajrang Dal and also serving for protection of cows. He came to know that in the village Amrapur at Qureshi Mohalla, some cows are cut. He therefore, went there and found that six alive cows were there and one was cut. When one person enquired with the

informant, the informant told that not to cut the cows as it is an offence as per law. However, the applicants and other accused assaulted him by iron rod. When the informant was assaulted, the persons accompanied with him ran away due to fear of assault. Accordingly, the report was lodged.

3. Learned advocate for the applicants submitted that the applicants are falsely implicated in the crime. They have no criminal antecedents. A false report is lodged against them. The role of the applicants is not specified in the F.I.R. The alleged injuries sustained by the informant are simple in nature. The applicants have roots in the society, they will not flee away from trial and the trial will take long period. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicants are involved in serious crime. The investigation is not yet over. If the applicants are released on bail, they will certainly pressurize the prosecution witnesses and also commit similar nature of crime. Considering all these aspects, it is lastly prayed to reject the application.

5. Perused the papers of investigation particularly, the report and injury certificate of the informant, who has sustained the simple injuries. The specific role of the applicants is not spelt out in the report. The practical investigation is over and nothing is to be seized

from them. The applicants have roots in the society, they will not flee away from the trial and the trial will take long period. Considering all these aspects, the applicants are entitled for bail on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. 215 of 2024 registered with Shevgaon police station, District Ahmednagar for the offences punishable under Sections 307, 327, 323, 506 r.w. 34 of the 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.
 - b) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)