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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 676 OF 2024

ABID HAMID KURESHI

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. Shaikh Tarek Mobin H., Advocate for the applicant
Mr. M. K. Goyanka, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 08th MAY, 2024

P. C.

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure Code. The applicant is arrested in Crime No. 450/2023 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under Sections 307, 323, 504, 427 read with section 34 of the IPC.

2. It is averred in the report that the applicant assaulted the nephew of informant when the amount was demanded to

Rabbani by Soheli. Injuries were caused to the Soheli nephew of informant. Therefore, report was lodged.

3. Learned advocate for the applicant submits that role of this applicant is very specific that he caught hold the nephew of informant. Thus except that he has not done any overt-act as per the charge-sheet. The applicant has roots in the society. The trial will take long period. He lastly prayed to allow the application.

4. Learned APP strongly opposed the application. The learned APP submits that the applicant is involved in serious crime. His name is mentioned in the FIR. He lastly prayed to reject the application.

5. Perused the charge-sheet. Though grievous injuries are caused to the nephew of the informant, the role of the applicant is that he only caught hold the nephew of the informant. Considering the role of the applicant, the application

deserves to be allowed as the applicant has roots in the society. The trial will take long period. Presence of the applicant can be secured for trial. The application deserves to be allowed upon imposing certain condition for trial. Hence, the following order:-

ORDER

- a] Bail application is allowed.
- b] Applicant in connection with Crime No. 450/2023 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under Sections 307, 323, 504, 427 read with section 34 of the IPC be released on bail on furnishing personal bond of Rs.25,000/- [Rupees Twenty Five only] with one surety of the like amount on following conditions:-
 - i) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - ii) Applicant shall not enter into the village Fattepur, Tq. Jamner, Dist. Jalgaon except dates fixed for hearing till the conclusion of the trial.
 - iii) If any breach is committed by applicant, the prosecution/informant is at liberty to proceed further for cancellation of bail before trial court.
 - iv) The learned trial court is at liberty to decide the application for cancellation of bail on merits without reference to this

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court.

v) Applicant shall not indulge in such type of criminal activities henceforth.

vi) If applicant is involved in such a nature of crime again, the prosecution /informant is at liberty to pray for cancellation of bail before the trial court.

6. Concerned to act upon authenticated copy of this order.

[SANJAY A. DESHMUKH, J.]

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