



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO. 729 OF 2024

Shaikh Mosin Shaikh Ahmed

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Ms. Lomte Ashwin Annasaheb

APP for Respondent/State : Mrs.Pratibha J. Bharad

.....
CORAM : SANJAY A. DESHMUKH, J.
DATED : 3rd MAY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0084 of 2024 registered with Police Station, Bardapur, Dist. Beed, for the offences punishable under sections 307, 324, 427, 34 of the Indian Penal Code and under sections 3 and 4 of the Explosive Substance Act, 1908.

2. It is averred in the report that the applicant sold the gelatin rod to the co-accused. Thereafter, at about 8.30 p.m., there was big blast taken place in the Pan Stall when he was selling the said gelatin in the Pan stall.

3. The learned advocate for the applicant submitted that the applicant's role is that he was illegally possessing that gelatin and

therefore, he is arrested. The learned advocate for the applicant further submitted that the applicant has no criminal antecedents. He was not having any motive. The applicant's marriage is already scheduled prior to the alleged incident, on 5th May, 2024. His bail application was rejected by the trial Court on 20.04.2024 by holding that the applicant is involved in the serious crime. There is possibility of commission of similar offence. She lastly prayed to allow the application.

4. The learned APP for the respondent-State has strongly opposed the application and submitted that the applicant is involved in the serious crime. He can be held liable for the offence punishable under section 5 of the Explosive Substances Act, 1908, for possessing the explosives under the suspicious circumstances. If the applicant is released on bail, he will commit such offence again. Investigation is not yet over. It is lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the report and statements of the witnesses. The papers of investigation show that the applicant purchased some explosive substances i.e. gelatin rod and he was using it for blasting for excavation of water from the well. However, he sold it to the main accused. The applicant has no criminal antecedents. His role is different than the main accused. His marriage is scheduled on 5th May, 2024. Considering all

these aspects, the application deserves to be allowed as the applicant has roots in the society, he will not flee away from the trial, he has no criminal antecedents, trial would take long period on the principle that the 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 applicant in connection with crime No.0084 of 2024 registered with Police Station, Bardapur, Dist. Beed, for the offences punishable under sections 307, 324, 427, 34 of the Indian Penal Code and under sections 3 and 4 of the Explosive Substance Act, 1908 be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not involve in the same nature of offence in future.
- III. If any breach of the above condition is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.
- IV. The parties to act upon authenticated copy of this order.

(SANJAY A. DESHMUKH, J.)