



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.815 OF 2024

Sultana Anjum W/o Mubarak Khan,
Age-37 years, Occu:Household,
R/o-Keshav Nagar,
Near Vivekananda School, Bhusawal,
Tq-Bhusawal, Dist-Jalgaon.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Shaikh Faisal Naseemuddin Advocate for Applicant.
Mr. S.M. Ganachari, A.P.P. for Respondent – State..
...

CORAM: S.G. MEHARE, J.

DATE : 27th JUNE 2024

ORDER :

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant seeks bail in Crime No. I-487 of 2023 registered with Bazarpeth Police Station, Bhusawal, Taluka-Bhusawal, District-Jalgaon for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code with

Section 4/25 of the Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act.

3. It has been alleged against the applicant that she instigated the co-accused. The incident was captured in the CCTV. However, applicant was not captured in the CCTV. The prosecution has recorded the statements of so-called eye-witnesses. Statements of eye-witnesses relied upon by the prosecution shows that the applicant was instigating the co-accused. If this would have been the case, it must have been captured in the CCTV. Statements of the witnesses are recorded belatedly. The evidence of the prosecution about the presence of the applicant on the spot of the incident is balancing. Nothing is to be recovered from her. There is no propriety in keeping her behind the bars.

4. For the above reasons, the following order is passed:-

ORDER

(I) Bail Application stands allowed.

(II) The applicant – Sultana Anjum W/o Mubarak Khan be released on bail on furnishing P.B. and S.B. of Rs.50,000/-

(Rupees Fifty Thousand only) with one solvent surety of the like amount, in the above crime, on the condition that:-

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall not contact the relatives of the deceased and witnesses in any manner till the conclusion of the trial.

(c) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]

asb/JUNE24