



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 BAIL APPLICATION NO. 1122 OF 2024

Sayyed Razaulla Ajazulla Hussain

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. A.K. Bhosle

APP for Respondents: Mr. P. P. Dawalkar

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CORAM : SHIVKUMAR DIGE, J.

DATED : 30th JULY, 2024.

PER COURT :-

1. The applicant is seeking regular bail in connection with crime No. 519 of 2024 registered with M.I.D.C. Waluj Police Station, district Aurangabad, for the offences punishable under Sections 395, 448, 452, 341, 427 of the Indian Penal Code.

2. It is the prosecution's case that on 31.5.2024, around 2.00 to 2.30 p.m. when the informant was present in her house with her two daughters, someone knocked the door of her house. When she saw from the safety door, she noticed that four unknown women alongwith 6 to 7 unknown persons were standing outside her house. The said women were asking the informant to open the door but the informant refused for the same. At that time, the brother of the informant came there and asked the informant to open the door. At

the request of her brother i.e. co-accused, the informant opened the door. Then it is alleged that when the informant opened the door, all the persons standing outside the house, barged in the house of the informant and removed the informant and her two daughters from the house. The informant dialed police helpline number i.e. 112 and informed the police about the incident. It is alleged that her brother had come with unknown persons alongwith a tempo No. MH-16-Q-5489. It is alleged that all persons picked up the household articles and put the same in the tempo. At that time, the husband and son of the informant came there. It is alleged that they were assaulted by those unknown persons. It is alleged that the applicant was the coolie and he helped the other accused persons to pick up the household articles of the informant and put them in tempo.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this crime. The tempo was engaged by the co-accused to bring household articles. The applicant was not aware about the dispute between the informant and the co-accused. No allegations against the applicant are made that he had assaulted the family members of the informant. The applicant was coolie and he was following the duty given by the owner of the tempo. The applicant is behind bar for more than one month. Considering the allegations against the applicant, his further

custody is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was part of group, which unauthorizedly entered in the house of the informant and assaulted the informant and her family members. The applicant assisted the co-accused to pick up the household articles and kept them in the tempo. Learned A.P.P. further submitted that the applicant has been identified in the identification parade by the witnesses. There is involvement of the applicant in the said crime. If the applicant is released on bail, he may pressurize the prosecution witnesses and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he was coolie on the tempo which was brought to the house of the informant in which the household articles of the informant were put by the co-accused forcefully. It appears that there was family dispute between the informant and the co-accused. The applicant was the coolie on the tempo. He was following the order of the owner of the tempo. Except this allegation, there are no allegations against the applicant. The applicant is behind bar for more than one month. Considering the allegations against the applicant, his further custody is not required and I pass the following

order :-

ORDER

(i) The application is allowed.

(ii) The applicant in connection with crime No. 519 of 2024 registered with M.I.D.C. Waluj Police Station, district Aurangabad, for the offences punishable under Sections 395, 448, 452, 341, 427 of the Indian Penal Code, be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :-

(a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SHIVKUMAR DIGE, J.)

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