

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1187 OF 2024

1. Ankush Tulshiram Chavan
2. Shaikh Naeem @ Naiyyum Sk. Qayyum ..Applicants

VERSUS

The State Of Maharashtra ..Respondent

...
Advocate for Applicant : Ms. Agrawal Rani Kailas
APP for Respondent/State : Mr. S.B. Pulkundwar

...
CORAM : S.G. MEHARE, J.

DATED : AUGUST 13, 2024

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants seek bail in Crime No.424 of 2023 registered with Jamner Police Station, District Jalgaon for the offences punishable under Sections 395 and 397 of the Indian Penal Code, Sections 3/25 and 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.
3. During the course of hearing, the learned APP has pointed out that there is a strong evidence against applicant No.1 – Ankush. After perusal of the record, the Court expressed disinclination to grant bail to him. Learned counsel for the applicant, on instructions, seeks leave to withdraw the application for him.

4. Leave granted. The application of applicant No.1 – Ankush stands dismissed as withdrawn.

5. As far as applicant No.2 – Shaikh Naeem is concerned, his role was limited of being present on the spot of the incident. There were no overt acts at his instance. He has also not been identified in the test identification parade. Whether the test identification parade is legal or not is a matter of evidence during the trial. For the above reasons, the applicant – Shaikh Naeem deserves bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant No.2, Shaikh Naeem @ Naiyyum Sk. Qayyum, 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 conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses and shall attend the trial on each and every date.
 - (b) The applicant should not flee away from the trial.
 - (c) The applicant should furnish is residential proof and cell phone number to the Court with an undertaking that he would not change them till the trial is concluded.
 - (d) The applicant shall keep informing about his presence at the place of his residence once in a month on every Monday on

(3)

cell phone to the PSO of the Police Station Jamner between 10.00 am to 01.00 pm till the trial is concluded.

(e) The applicant shall not involve in the identical crime.

(S.G. MEHARE, J.)