



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

101 BAIL APPLICATION NO. 1275 OF 2024

1. Sayyed Nazer S/o. Sayyed Zaker
2. Shaikh Azaj Shaikh Naeem

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Advocates for Applicants : Mr. Shaikh Joyeb I. & Mr. Shaikh Mudassir
Abdul Hamid

APP for Respondent/State : Mr. P.K. Lakhotiya

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th September, 2024.

P.C.:

1. The applicants are seeking bail in Crime No. 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 (For short, "IPC").

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 applicant no.1 was driver of the tempo, who taken away the household articles from the house of the informant. The allegations against applicant no.2 are that he has caused theft of household articles of the house of the informant and assaulted the informant and witness.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are behind bar more than three months. Investigation is completed. The charge-sheet has been filed against the applicants. The applicants are Kartas of their families. Their further detention is not required. The applicants are ready to obey the conditions imposed by this Court and requested to allow the application.

4. It is the contention of the learned APP that the applicants have played crucial role in the alleged offence. Applicant no.1 was driver of the tempo, in which household articles of the informant were taken away. Applicant no.2 has caused theft of household articles of the house of the informant and assaulted the informant and witness. It shows their involvement in the crime. If the applicants are released on bail, they may threaten the informant and prosecution witness or they may abscond and requested to reject the application.

5. I have heard both the learned counsel. Perused the charge-sheet produced on record.

6. The allegations against the applicants are that applicant no.1 was driver of the tempo, in which household articles of the informant were taken away and applicant no.2 was present at the time of incident. He assaulted the informant and witness Sadik. Investigation is completed. The charge-sheet has been filed against the applicants. The applicants are Kartas of their families. It may take time to conclude the trial. Considering these facts, the further detention of the applicants is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicants 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/- each with one surety of the like amount by each of them, on the following condition :-

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

[SHIVKUMAR DIGE, J.]

sga