



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1327 OF 2024

RAHIL ANSARI YUSUF ANSARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent : Ms. M. N. Ghanekar

...
WITH
CRIMINAL APPLICATION NO. 3277 OF 2024
IN BA/1327/2024

JAVED SAJED PATEL
VERSUS
RAHIL ANSARI YUSUF ANSARI AND ANOTHER

...
Advocate for Applicant/informant : Mr. Rajendra D. Sanap
...

CORAM : S. G. MEHARE, J.

DATE : 30-08-2024

PER COURT :-

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondent/State and the learned counsel for the informant.
2. The applicant seeks bail in C.R.No.28 of 2022 registered with CIDCO Police Station, Aurangabad, for the offences punishable under Sections 302, 143, 147, 148, 149, 201, 120B of the Indian Penal Code.
3. The first informant who is the brother of the deceased lodged a report alleging against the applicant that the applicant

with two to three unknown persons came running towards his deceased brother and one Taleb Sultan Chaus stabbed the deceased with a knife and other co-accused also stabbed and beat the deceased with kicks and blows and he died.

4. The learned counsel for the applicant submits that prime witness is Avinash Rodge who was allegedly with the deceased at the time of the incident. The other witnesses who have been referred to by the learned counsel for the victim and the learned A.P.P. appeared before the police belatedly and omnibus allegations were made against the applicant.

5. The Hon'ble Supreme Court has granted bail to one co-accused, namely, Aquib @ Golden Qureshi Yunus Qureshi. The applicant seeks parity. It is vehemently argued that the role attributed to the applicant was identical to the role attributed to the co-accused Aquib @ Golden Qureshi Yunus Qureshi. Therefore, the applicant may be granted bail.

6. The learned A.P.P. and the learned counsel for respondent No.2/victim have strongly opposed the application. They pointed out post-bail conduct of the co-accused Aquib @ Golden Qureshi. After his release as per the Honourable Supreme Court order, he had taken the procession and in that procession he was holding sword. They were celebrating his release on bail as a big victory. The applicant may also make a show to influence witnesses if

released on bail. Hence, bail should not be granted to him.

7. The learned A.P.P. has at her best level pointed out and argued that there are eyewitnesses. Thirty eight injuries were caused to the deceased. Twelve were the stab injuries. The learned counsel for the victim stated that it was a brutal murder. Due to the acts of the applicant, a terror was created in the vicinity. No witnesses would dare to state against them. The applicant has threatened the witnesses who was with the deceased. They prayed to dismiss the application.

8. Perusal of the record reveals that the allegations against the applicant and the co-accused Aquib @ Golden Qureshi who has been granted bail are identical. The Supreme Court, in its order dated 12.08.2024, has observed that considering the facts and circumstances of the case and in particular the period of incarceration already undergone by the petitioner which is more than two years and nine months, we are inclined to grant bail to the petitioner before it.

9. The Hon'ble Supreme Court considered the facts and circumstances of the case and particularly the incarceration already undergone. The applicant was also arrested before two years nine months back and he is languishing in jail. Considering the role attributed to the applicant and the co-accused - Aquib @

Golden Qureshi, he deserves bail in view of the order dated 12.08.2024 mentioned above. However, considering post release conduct of the co-accused Aquib @ Golden Qureshi, some stringent conditions would be imposed to protect the interest of the witnesses and the victim. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant – Rahil Ansari Yusuf Ansari be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not reside at his place of residence which is near the house of the victim and other witnesses for six months from the date of his release.
 - (b) He should not enter the area where the incident happened and witnesses reside till the conclusion of the trial.
 - (c) He should not tamper with the prosecution witnesses.
 - (d) He should attend the trial on each and every date.
 - (e) He should not deliberately absent in the trial, to create a ground for bail to other undertrials due to no progress in the trial.
- iii) The Prosecutor should expedite the trial by producing witnesses and all papers.
- iv) Criminal Application No.3277 of 2024 stands disposed of.

**(S. G. MEHARE)
JUDGE**