



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

BAIL APPLICATION NO. 1805 OF 2024

TAUFIQUE SHAFIK PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Irfan D. Maniyar
APP for Respondent : Mr. A. A. A. Khan
...

CORAM : S. G. MEHARE, J.

DATE : 17-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. By way of subsequent bail application, the applicant sought bail in C.R.No.0105 of 2023 registered with Sambhajinagar Police Station, Parli (V), Tq. Parli (V), District Beed, for the offences punishable Sections 302, 307, 341, 143, 147, 148 and 149 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.
3. The earlier bail application was rejected on merit. However, the learned counsel for the applicant submits that at that time, a copy of the statement of the first informant under Section 164 of the Code of Criminal Procedure (for short, "Cr.P.C.") was not provided to him. Recently, the copy of the said statement has been received. Considering the said submissions, the successive bail application is considered.

4. The learned counsel for the applicant submits the false allegations were levelled against the applicant in the first information report. It has been falsified from the statement of the complainant under Section 164 of the Cr.P.C. He has literally exonerated the applicant from serious allegations of assaulting the deceased by him. By improvements, he alleged that the applicant and co-accused caught hold the deceased and one of the co-accused has assaulted him. The similarly situated co-accused been granted bail. Nothing is to be recovered from him. Hence, he may be granted bail.

5. The learned A.P.P. submits that there was no clean chit to the applicant. However, it has been alleged in the statement under Section 164 of the Cr.P.C. that he facilitated another co-accused to commit murder. Therefore, the applicant does not deserve bail.

6. Perused the papers.

7. The statement of the first informant under Section 164 of the Cr.P.C. is altogether different from the first information report. A similarly situated co-accused has been granted bail. Hence, the applicant deserves parity. Thus, the order:-

ORDER

i) Bail Application is allowed.

- ii) Applicant- Taufique Shafik Pathan, be released on bail on furnishing P.B. and S.B. 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 tamper with the prosecution witnesses.
 - (b) He should stay away from village Nagapur, Taluka Parli (V), District Beed, for two months from the date of his release.
 - (c) He should attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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