



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 543 OF 2024

SHAIKH AZIM SHAIKH PASHA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. W. Munde, Advocate for the appellant
Mr. S. B. Narwade, APP for the respondent/State
Mr. M. b. Borse, Advocate for respondent no.2.

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. Heard.
2. This appeal is for regular bail in connection with Crime No. 27/2023, registered with Hadgaon Police Station, Dist. Nanded for the offences punishable under Sections 394, 384, 427, 294, 323, 506 r/w 34 of Indian Penal Code, Sections 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4/25 of Arms Act.
3. The first information report came to be lodged on 07/02/2023 in respect of incident occurred on 06/02/2023. It is the case of the informant that the appellant and other accused came to his shop and they threatened him for extortion of money. There is also allegation

of the informant being assaulted with rod. The allegation is there against the present appellant that they snatched Rs.15,000/- from the cash counter of the hotel of the informant. On the basis of these allegations, offence came to be registered. Appellant was arrested on 13/02/2023. He is behind bar since then. Charge-sheet is filed.

4. Learned counsel for the appellant submits that after filing of the charge-sheet since there is no possibility of conclusion of trial in near future, it is a fit case for grant of bail.

5. Learned APP opposed the appeal on the ground that other offences are registered against the present appellant and that there is apprehension of appellant pressurizing the witnesses if released on bail. It is also submitted that the offence punishable under Section 394 of IPC provides for sentence of life imprisonment.

6. Learned counsel for the informant opposed the appeal on the ground that number of similar offences are committed by the appellant and that if appellant is released on bail he would pressurize the informant as well as other witnesses.

7. There is not dispute about the fact that after conclusion of investigation charge-sheet has been filed. The appellant is in jail for one and half year. The order of rejection of bail passed by the trial Court also

does not indicate that there is a possibility for conclusion of trial within a short period. Having regard to the afore stated fact, the appellant cannot be kept behind the bar by way of pre trial sentence.

8. Apprehension of the prosecution about the pressurizing the witnesses would be taken care by imposing appropriate condition including preventing entry of the appellant in Taluka Hadgaon, Dist. Nanded till the conclusion of the trial. Hence, the order.

ORDER

(i) The appellant in connection with Crime No. 27/2023, registered with Hadgaon Police Station, Dist. Nanded for the offences punishable under Sections 394, 384, 427, 294, 323, 506 r/w 34 of Indian Penal Code, Sections 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4/25 of Arms Act, he shall be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount.

(ii) He shall not contact the witnesses directly or indirectly.

(iii) He shall not interfere with the evidence in any manner whatsoever.

(iv) He shall not enter the jurisdiction/area of Taluka Hadgaon till the conclusion of the trial.

(vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp