



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 2235 OF 2023

Abbas Aslam Zaidi

Versus

The State Of Maharashtra

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Advocate for Applicant : Mr. S.R. Zambare

APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking regular bail under section 439 of Cr.P.C. in connection with crime No. 348 of 2021 registered with Shivaji Nagar police station, Beed, District Beed, for the offences punishable under Sections 392 (Section 395 subsequently added) r.w. 34 of I.P.C. His application with similar prayer below Exh. 6 in Sessions Case No. 191 of 2022 came to be rejected by the learned Additional Sessions Judge, Beed vide order dated 08.02.2023.

2. It is alleged that the applicant has snatched the golden chain of the informant and fled away.

3. Learned advocate for the applicant submitted that he is arrested by Shivaji Nagar police station, Beed. He is released on bail in crime Nos. 56 of 2022 and 32 of 2022 by order passed by this Court. Learned advocate for the applicant submitted that the test

identification parade of the applicant is not conducted. The applicant has roots in the society. He will not flee away from the trial. He lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is habitual offender and he has stolen golden chain from the person of women. It is lastly prayed to reject the application.

5. Perused the charge sheet. The F.I.R. does not disclose the name of the applicant. The test identification parade was not conducted. The golden chain of 4½ Tolas has been recovered under section 27 of Indian Evidence Act. Admittedly, the applicant is released on bail by this Court in other offences. Considering the nature of the crime and the fact that the applicant is behind bar for 1½ years, the applicant deserves to be released on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is hereby allowed.
- II. The applicant, namely, Abbas s/o Aslam Zaidi be released on bail in connection with crime No. 348 of 2021 registered with Shivaji Nagar police station, Beed, District Beed, for the offences punishable under Sections 392 (Section 395 subsequently added) r.w. 34 of I.P.C. on furnishing P.B. and

S.B of Rs.50,000/- (Rupees Fifty thousand only) on the following conditions:-

- a) The applicant shall not tamper with the prosecution evidence/ witnesses in any manner.
- b) He shall not indulge himself in the similar offence.
- c) He shall furnish the details of his residential address and contact numbers to the concerned police station and update the same from time to time.
- d) He shall attend each and every effective dates before the Sessions Court.
- e) He shall not leave State of Maharashtra without intimation to the concern police station in whose jurisdiction he resides.

(SANJAY A. DESHMUKH, J.)

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