



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

945 BAIL APPLICATION NO. 2326 OF 2023

SHAIKH ASLAM @ SHAIKH NAFEES @ NAPPU
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Akram Inamdar, h/f Mr. S. S. Kazi.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 09th January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.379 of 2023, registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 4/25 of the Arms Act.

3 The allegations are that the police officer of Police Station Nanded (Rural) got information that 5-6 persons are hiding themselves, armed with deadly weapons. They have prepared for offence of dacoity. The police official went there alongwith two *Panchas* and took search. The applicant was found there alongwith other accused in suspicious condition having sword, knife and chilly

powder. They tried to prepare for committing dacoity. Therefore, report was lodged by police officer against the applicant and other accused. It is alleged that the applicant ran away from the spot and later on he was arrested.

4 The learned counsel for applicant submitted that co-accused are released on bail on certain conditions by the learned Additional Sessions Judge, Nanded. However, the application of this applicant was rejected. The learned counsel for applicant submitted that the applicant is similarly placed accused like other accused, who are released on bail. He prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant has criminal antecedents and there is possibility that he is likely to pressurize the prosecution witnesses. She lastly prayed to reject the application.

6 Perused the report. The applicant's name is not appearing in the report. Other two co-accused are released on bail by the learned Sessions Judge. However, the application of this applicant was rejected by holding that the applicant is likely to abscond and flee away from trial. No doubt, the applicant is arrested in other two crimes of similar nature, however, the practical investigating is over. The applicant has roots in the society. The trial will take long period.

Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.379 of 2023, registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the witnesses.
 - b) The applicant shall not tamper with the prosecution evidence in any manner.
 - c) The applicant shall not indulge in such type of activities again.

[SANJAY A. DESHMUKH, J.]

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