

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 127 OF 2024

Irshad Naim Shaikh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Niranjan Bhavake with Ms. Drishti Madhavi i/b Mr. Sushant Tayade, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. S. Netavare, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 15th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 380 of 2022 registered with Dindori Police Station, Nashik for the offences punishable under Sections 120-B, 395, 342, 504 and 506 of the Indian Penal Code, 1860 and Section 3/25 of the Arms Act, 1959.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the offence was registered against the unknown persons. Moreover, the faces of the accused were covered by the mask.

- 4) In the circumstances, it was expected that the Identification Parade ought to have been conducted. However, nothing is pointed out to show that the identification was conducted and the applicant was identified. Moreover, stolen property was recovered from the co-accused and not from the applicant.
- 5) Thus, in absence of any evidence about the identification of the applicant, prima facie it can be said that there is no sufficient evidence to show the complicity of the applicant in the alleged offence.
- 6) In the circumstances, as the charge-sheet has been filed and further considering the period of incarceration of the applicant, I am of the opinion that further custody of the applicant is not necessary.
- 7) At this stage, the learned APP states that there is every possibility that if the applicant is released on bail, he may commit a similar offence as there is one antecedent against the applicant.
- 8) The learned Counsel for the applicant thereupon on instructions makes a statement that the applicant is ready to abide by any condition including the condition not to enter the territorial jurisdiction of District Nashik. Accordingly, I pass the following order.

ORDER

- i The Bail Application is allowed;
- ii It is directed that the Applicant shall be released on bail in Crime No. 380 of 2022 registered with Dindori Police Station, Nashik for the offences punishable under Sections 120-B, 395, 342, 504 and 506 of the Indian Penal Code, 1860 and Section 3/25 of the Arms Act, 1959, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Nashik District till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]