

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1704 OF 2024

Naushad Alam Fazal Shaikh

... Applicant

vs.

State of Maharashtra

... Respondent

Mr. Aniket Vagal, a/w. Savvy Kolhekar & Kunal Pednekar, Advocate
for the Applicant.

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

CORAM:- ANIL S. KILOR, J.

DATED:- 3rd OCTOBER 2024

PC:-

1) By this application under Section 439 of the Code of Criminal Procedure the Applicant is seeking bail in Crime No.380/2022, registered with Dindori Police Station, Dist. Nashik for the offences punishable under Sections 395, 342, 504, 506 of the Indian Penal Code, 1860 and Sections 3 read with Section 25 of the Arms Act.

2) It is alleged that the Applicant is made recky prior to the incident. However, the CDR does not support the case of the prosecution as there is no phone call appeared to be made to any of the co-accused on earlier

date. There is no material to show that at the time incident the Applicant was present at the spot.

3) It is the case of the prosecution that the Applicant was arrested in some different Crime, and in that it was revealed that the Applicant also involved in the present matter, and accordingly he was impleaded as an accused.

4) The Test Identification parade was conducted after one and half years, wherein one witness identified the Applicant. However, other witness could not identify the Applicant.

5) The Applicant is in jail from last more than one and half years and in the meantime the charge-sheet has been filed. Furthermore, there is no progress in trial.

6) In the circumstances, considering the nature of evidence and allegations against the Applicant, I am of the opinion that further custody of the Applicant does not necessary.

7) Hence, I pass the following order:

ORDER

- i. Bail Application is allowed and disposed off;
- ii. It is directed that the applicant shall be released on bail in Crime No.380/2022, registered with Dindori Police Station, Dist. Nashik for the offences punishable under Sections 395,

342, 504, 506 of the Indian Penal Code, 1860 and Section 3 read with Section 25 of the Arms Act on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii. The Applicant shall attend Dindori Police Station on 1st and 16th day of every month between 10:00 a.m. to 11:00 a.m. till conclusion of trial, except on the date of trial;
- iv. 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;
- v. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

[ANIL S. KILOR, J.]