



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 87 OF 2025

1. Firoz s/o Sardar Shaikh
Age : 26 years, Occ: Business,
R/o: Jaardaa, Tahsil Malhargadh,
District Mansor,
(State of Madhya Pradesh)
2. Ashik Ali s/o Ekbal Ali Abbasi,
Age 30 years, Occ : Business,
R/o : Nai Abadi, Village Bajna,
Tahsil Bajna, District Ratlam,
(State of Madhya Pradesh) ... Applicants

Versus

The State of Maharashtra
Through M.I.D.C. Waluj Police Station,
District Aurangabad. ... Respondent

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Mr. Prashant P. Giri, Advocate for the Applicant.
Mr. Preeti V. Diggikar, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Date : 20.02.2025

ORDER :

1. Applicants seek enlargement of regular bail on account of their arrest in crime no. 1150 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad for offence under Sections 303(2), 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel pointed out that initially FIR was against unknown person. Subsequently, it is alleged that applicants were in possession of the stolen vehicles. There is no incriminating material except CCTV footage, but its appreciation would be done at later point of time. Applicants have no antecedents. They are ready to abide all and any conditions imposed by this Court and hence, learned counsel seeks grant of bail.

3. Learned APP opposed on the ground that applicants were caught red handed while driving the stolen vehicle. Moreover, they being from other State, there is every possibility of they misusing the liberty.

4. Heard. Perused the FIR dated 25.12.2024 at the instance of one Shrirang Pandurang Shelke, who reported police that at 9.30 p.m. on 24.12.2024 he parked his vehicle Creta car in front of his house and he retired. When he woke up in the morning on 25.12.2024, he noticed his car missing. He claims that while he was searching, he met one Sangita Arun Kotme, r/w Swami Samarth Nagar, CIDCO, Waluj and learnt from her that her vehicle too was stolen and therefore they both approached police giving details of their vehicles.

5. Therefore, there is theft of two vehicles, i.e. of informant and one Sangita. Admittedly, during investigation, one of the applicants was said to be arrested while he was behind the wheels of one of the stolen vehicles which was allegedly going towards Madhya Pradesh, i.e. on a National Highway. On court query, learned counsel pointed out that applicants are dealing in automobiles. However, now vehicles are already seized. Though charge sheet is not filed, considering the above circumstances, when no further recovery or discovery is shown to be made at the instance of the applicants, there is no reason for further continued custody. As regards the apprehension of learned APP about misusing the liberty, imposing stringent conditions should serve the purpose. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicants be released on bail in connection with Crime No. 1150 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad, on executing Personal Bond of Rs. 15,000/- each, with one surety each, in the like amount, on the following conditions:
 - [a] The applicants shall not tamper prosecution evidence.
 - [b] The applicants shall not leave the area of jurisdiction of the concerned police station till filing of the charge sheet.

[c] The applicants shall attend the concerned Police Station twice in every week i.e. on every Monday and Friday between 11.00 a.m. to 2.00 p.m. till filing of the charge sheet.

[d] The applicants shall maintain a personal diary of their attendance at the concerned police station.

[ABHAY S. WAGHWASE, J.]

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