



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2266 OF 2024

- 1) Shabir Shaikh Isak
Age: 22 years, Occu.: Labour,
R/o. Sorapada, Tq.Akkalkuwa,
Dist.Nandurbar.
 - 2) Mustakim Khan @ Raja Abdul Shakur Makrani
Age: 22 years, Occu.: Labour,
R/o. Indira Nagar, Tq.Akkalkuwa,
Dist.Nandurbar.
-Applicants
(Orig. Accused)

Versus

- . The State of Maharashtra
Through Akkalkuwa Police Station.
-Respondent

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Advocate for Applicants : Ms.Rutuja L. Jakhade
APP for Respondents: Mr.C.V.Bhadane
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 06 JANUARY, 2025

PRONOUNCED ON : 09 JANUARY, 2025

ORDER :

1. Regular bail is urged for by both the applicants in consequence to registration of Crime bearing no.0411 of 2024 registered at Akkalkuwa Police Station, Dist.Nandurbar for offence under Sections 309(6), 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Learned counsel for the applicants submitted that FIR was against unknown persons. Present applicants are arrested on 08-11-2024 regarding alleged occurrence of 06-11-2024. Learned counsel pointed out that there is delay in lodging FIR. She pointed out that there are allegations of obstructing, assaulting and snatching Rs.2,50,000/- from informant. She pointed out that accused no.3 and 5 are already beneficiaries of regular bail. Accused nos.4 and 6 are said to be absconding. That investigating machinery claims part recovery of robbed amount. That there is virtually no role attributed to present applicant no.1 Shabir. That now investigation is also over and applicants being behind bars since long and as nothing is to be recovered and discovered from them, she prays to set both applicants on liberty on the ground that they are young boys of 22 years old.

3. Learned APP, who opposed application, submitted that above crime is registered at the instance of one grocery shop owner. He has reported that, after closing the shop at around 08:00 p.m. on 06-11-2024, he was carrying Rs.2,50,000/ earned from the business on his motorcycle alongwith his employee staff. When he has reached Sorapada, Taluka Akkalkuwa, he was intercepted by two persons armed with wooden stick, which was used to hit him on his

forehead and when after he fell, it is alleged that cash bag, which was hung to the handle, was forcibly snatched. On above report, Akkalkuwa Police seems to have registered above crime for above offence.

4. Attempt seems to have been taken for regular bail before Shahada Court by both present applicants and one Sanjay @ Bhau Rajendra Pardeshi, however, by order dated 02-12-2024, bail application as regards to both present applicants seems to have been refused by the learned Additional Sessions Judge, Shahada.

5. Learned APP pointed out that T.I. parade has been conducted wherein present applicants have been identified. That applicants are arrested recently i.e. in November, 2024. As on today, investigation still appears to be in progress.

6. Taking the nature of accusations and above discussed material into consideration, this court is not inclined to grant relief as prayed at this stage. Hence, the following order :

ORDER

Bail Application No.2266 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT