



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.321 OF 2025

Kazi Mazharuddin Kazi Zubairuddin

Vs.

State of Maharashtra, through Police Station Officer, Jalgaon Jamod
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajnish Vyas, Counsel for the applicant.

Mr. C. A. Lokhande, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. The applicant came to be arrested on 05.02.2025 in connection with Crime No.702/2024 registered with Police Station, Jalgaon Jamod, District Buldhana for the offence punishable under Section 309(6) and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Shalu Dhammapal Damodhar alleging that on 08.12.2024 when she was returning from her agricultural field, at that time, somebody has pressed her mouth and snatched her golden ornaments and mobile phone. On the basis of the said report, police have registered the crime against the unknown person.

3. During the investigation, it revealed that the present applicant was involved, therefore the investigation was carried out and the applicant was arrested. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant is concerned, no golden ornaments are recovered at his instance. He is not identified during the identification parade. Thus, *prima facie* no material is collected during the investigation to show the involvement of the present applicant in the alleged offence. As per the prosecution, one mobile phone is seized from the present applicant, but as to the ownership of the said mobile phone, no investigation is carried out. He submitted that there are criminal antecedents against the present applicant, but a mere criminal antecedent is not sufficient to reject the bail application of the present applicant, specifically in the circumstance when no evidence is collected by the investigating agency. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed for the same on the ground that the mobile phone of the informant was seized at the instance of the present applicant and there are criminal antecedents against him and if he is released on bail, he would indulge in similar types of the activities. In view of that, he prays for the rejection of the application.

5. After hearing both sides and on perusal of the investigation papers, it reveals that only one mobile phone was seized at the instance of the present applicant, but no investigation is carried as to the ownership of the said mobile phone. In the identification parade, the applicant is not identified by the witnesses. Thus, considering the nature of the evidence, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Kazi Mazharuddin Kazi Zubairuddin** shall be released on bail in connection with Crime No.702/2024 registered with Police Station, Jalgaon Jamod, District Buldhana for the offence punishable under Sections 309(6) and 115(2) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station twice in a month on 1st and 15th of every month, till the culmination of the trial.
- (iv) The applicant shall not indulge in similar types of the activities and the reporting of the single incident would lead to the cancellation of bail.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(4)

912.ba.321.2025

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate