



(State of Maharashtra Vs. Jakir Mohamadali Tamboli and 19 others)  
(C.N.R. No. MHAH01-003696-2023)

**Order below Exh.74 in Sessions Case No.225/2023**

(Passed on 13.06.2024)

This is 3<sup>rd</sup> bail application under Section 439 of the Code of Criminal Procedure by the Applicant/Accused No.16 Altamash Ashpak Shaikh seeking his release on bail in present Sessions Case No.225/2023 (Crime No. I-241/2023 for the offence under Section 307, 323, 143, 147, 148, 149 of Indian Penal Code with Sections 4/25 of Arms Act, registered at Tophkhana Police Station, Ahmednagar). The Applicant/Accused No.16 Altamash was arrested on 27.01.2024 and after sufficient PCR he was taken into Magisterial Custody and since then he is in jail.

2. The prosecution has filed Say at Ex.76 strongly opposing the relief sought by the said Accused.

3. Heard the Advocate for the Accused No.16. Perused the record. Earlier, the present Accused has filed a bail application vide Exh.68 which was decided on merits vide order dated 14.03.2024, by calling the Say of the prosecution.

4. In the present application Exh.74, the Accused No.16 has pleaded same grounds for seeking the bail, as he has narrated in his earlier bail application Exh.68. There is no change of any single word in respect of the grounds raised for seeking the bail. Prior to Exh.68, the Accused has filed bail application bearing Criminal Bail Application No.581/2023 which also came to be rejected.

5. The contention of the Advocate for the Accused is that as the charge-sheet has been filed, the custody of Accused is not required for further investigation. Moreover, he is in custody since last 4½ months as was arrested on 27.01.2024. It is contended on behalf of the Accused that all the Accused persons against whom initial charge-sheet was filed, are released on bail by the Hon'ble High Court. Some of the Accused against whom charge-sheet was not filed, are also granted benefit of pre-arrest bail. Hence, he prays for release on bail.

6. Perused the documents placed on record on behalf of the Accused. It is seen that as the bail application Exh.68 was rejected vide order dated 14.03.2023, the Accused has preferred bail application before the Hon'ble High Court vide Bail Application No.564/2024 which he has withdrawn as charge-sheet in the matter has been filed. Thus the Bail Application No.564/2024 was disposed of on 23.04.2024 and present application has been filed.

7. It is seen that in the initial charge-sheet, the present Accused No.16 was shown as absconding Accused. His earlier pre-arrest bail application was rejected and there after he was arrested on 27.01.2024. The supplementary charge-sheet has been filed against him on 12.04.2024 in the Court of Chief Judicial Magistrate, Ahmednagar, and same is yet to committed to this court.

8. It is seen that the Investigating Officer has charge-

sheeted total 22 Accused persons in the case. Till date the charge-sheet has been filed against 13 Accused. Charge-sheet of other is remaining. Some of the Accused have been granted benefit of pre-arrest bail. The present Accused is in custody since more than 4½ months. As charge-sheet has been filed, investigation in respect is completed and thus, there is no propriety in keeping the Accused behind the bars as the trial will take its own course and hence he is entitled to be released on bail and I proceed to pass following order.

### ORDER

1. The Application Exh.74 is hereby allowed.
2. The Applicant/Accused No.16 Altamash Ashpak Shaikh is hereby released on bail on his executing P.R. Bond of Rs.50,000/- with one surety in like amount, in respect of Crime No. I-241/2023 for the offence under Section 307, 323, 143, 147, 148, 149 of Indian Penal Code with Sections 4/25 of Arms Act, registered at Tophkhana Police Station, Ahmednagar
3. The Applicant/Accused shall not tamper evidence and/or try to pressurize any prosecution witnesses.
4. The Applicant/Accused shall furnish copy of his Aadhar Card, authenticated address proof along with address proofs and mobile numbers of two of his relatives other than surety.
5. The Applicant/Accused shall not misuse the bail granted to him and shall not indulge any other or similar kind of offences.

6. The bail stands vacated on application by Investigating Officer on breach of any of the condition.

Date : 13.06.2024

**(Mrs. S. V. Sahare)**  
Additional Sessions Judge,  
Court No.5, Ahmednagar.