

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1703 OF 2015**[Momin Niyazoddin s/o Nazir Momin Vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri R.G.Hange, advocate for applicant

Shri A.V.Deshmukh, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 17th April, 2015

PER COURT :-

1] By this application, the applicant seeks his release on bail since he is arrested in connection with Crime No. 147 of 2014, registered with Beed City police Station, Taluka and District Beed, for the offences punishable under Sections 498-A and 307 r/w 34 of the Indian Penal Code.

2] Heard Shri R.G.Hange, learned counsel for the applicant and Shri A.V.Deshmukh, learned Additional Public Prosecutor for the respondent/State.

3] The investigating officer has already completed his entire investigation and charge sheet is also filed.

4] The offence is registered against the present applicant and his mother on the basis of the statement recorded by the police and also by the Special Executive Magistrate, Beed on 7.11.2014 and 8.11.2014 when the first informant Sumaiyya

was admitted in the Burn Ward of the Government hospital. From the medical papers, it appears that the injured has received 38 per cent burn injuries. The date of the occurrence is 31.10.2014. There is no possibility of the offence being converted into more graver one. Further, entire case of the prosecution is based on two previous statements of Sumaiyya.

5] The applicant is languishing in jail since 13.11.2014. It is reported that the first informant resides at Khasbag area of Beed, whereas the present applicant resides at Ajijpura area of Beed.

6] Looking to the fact that since charge sheet is filed, further custodial presence of the applicant will not subserve any purpose. The apprehension of the prosecution about the applicant influencing on the first informant can be taken care by imposing stringent conditions on the applicant.

7] Hence I pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Momin Niyazoddin s/o Nazir Momin be released on bail, in connection with Crime No. 147 of 2014, registered with Beed City police Station, Taluka and District Beed, for the offences punishable under Sections 498-A and 307 r/w 34 of the Indian Penal Code, on he executing P.R. bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

- (iii) Bail before the trial court.
- (iv) The applicant-Momin Niyazoddin s/o Nazir Momin shall attend the police station once a week, preferably on every Sunday in between 3.00 p.m. To 4.00 p.m. till the charge is framed.
- (v) The applicant-Momin Niyazoddin s/o Nazir Momin shall not enter into the territorial limits of Khasbag area of Beed without obtaining prior permission from the Sessions Court.
- (vi) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

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