

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

CRIMINAL APPLICATION NO.2244 OF 2015

- 1] Jishan s/o Bashir Qureshi
- 2] Sayed Shakir s/o Shabbir
- 3] Shoyab s/o Taher Qureshi .. APPLICANTS

Versus

State of Maharashtra . .. RESPONDENT
...

Shri Rupesh Jaiswal h/f Shri N.S.Ghanekar, Advocate for applicants
Shri D.V.Tele, APP for respondent State
...

**CORAM : V.M.DESHPANDE, J.
DATED : 21ST JULY, 2015**

ORDER :-

This is an application for bail by the applicants since they are arrested in connection with Crime No.180/2014 registered with Ashti police station, Dist. Beed for offences punishable u/s. 376(D), 366(A), 363 r.w. 34 of IPC and u/s 3(1)(2), 3(2)(5) of S.C./S.T. (Prevention of Atrocities) Act and u/s 4, 17 of The Protection of Children from Sexual Offences Act, 2012.

2] I heard the learned counsel Shri Jaiswal for the applicants and Shri Tele, learned A.P.P. for respondent State.

3] After hearing the learned counsel for the applicants, he

submits that he is not pressing bail application for applicants no.1 Jishan Qureshi and applicant no.2 Sayed Shabbir. As such, application filed by applicants 1 and 2 is dismissed as withdrawn.

4] In so far as applicant no.3 Shoyab Qureshi is concerned, the only role that is attributed against applicant no.3 by the prosecutrix is that he was driving the vehicle. The prosecutrix has clearly stated that this applicant Shoyab has not committed any physical atrocity on her in her both statements u/s 164 and also when her supplementary statement was recorded.

The investigation is already over. Charge sheet is already filed. The applicant is in jail since 28/11/2014. In view of the fact that no specific role is attributed by the prosecutrix against the applicant, the further custodial presence of the applicant is not warranted and that leads me to pass following order :

ORDER

A] Criminal Application No.2244/2015 is partly allowed. Application filed by applicants no.1 Jishan Quresh and applicant no.2 Sayed Shabbir is hereby dismissed as withdrawn.

B] Applicant no.3 Shoyab Qureshi be released on bail in connection with Crime No.180/2014 registered with Ashti police station, Dist. Beed for offences punishable u/s. 376(D), 366(A), 363 r.w. 34 of IPC and u/s 3(1)(2), 3(2)(5) of S.C./S.T.(Prevention of Atrocities) Act and u/s 4, 17 of The Protection of Children from Sexual Offences Act, 2012 on he executing PR bond of

Rs.25,000/- (Rs.Twenty five thousand only) with two solvent sureties in the like amount to the satisfaction of the learned trial Court. Bail before trial Court.

C] Applicant Shoyab shall attend Ashti police station, Dist.Beed twice a week preferably on every Tuesday and Sunday in between 3 to 5 p.m., till the charge is framed by trial Court. Applicant Shoyab shall not anyway try to pressurize the prosecutrix or her family members.

(V.M.DESHPANDE,J.)

umg/