

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

CRIMINAL APPLICATION NO. 4013 OF 2015

Aaga Khan s/o Miya Khan

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Shirish Gupte, Senior Counsel i/b

Mr. Joydeep Chatterji, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 13th AUGUST, 2015

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PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 45/2015 registered with MIDC Waluj police station, District Aurangabad for the offences punishable u/s 277,278,284,308,336 read with 34 of the Indian Penal Code.

2. Heard Mr. Shirish Gupte, learned Senior Counsel instructed by Mr. Joydeep Chatterji, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Investigation is already over. Charge sheet is filed.

4. F.I.R. is lodged by Police Inspector of police station MIDC, Waluj. According to the F.I.R., secret information was received in the police station that near the agricultural field in G.No. 124 situated at Aurangabad – Ahmednagar High-way at Gujrat Carrier Transport Company, owned by the present applicant, waste chemical is discharged. Therefore, according to F.I.R., raid was effected on 28/02/2015 at 7.25 a.m.

5. When the raid was effected, according to F.I.R., that time five persons were present there. However, it is the case of the applicant that when the discharge was in progress, he was not present. According to learned Senior Counsel, applicant was called by police by giving phone call. Said fact is not apparently disputed by the prosecution.

6. In the present Crime, this Court has already released two accused on regular bail after filing of the charge sheet. While considering their application, being Criminal Applications Nos. 2903 of 2015 and 3081 of 2015, it was not disputed on the part of the prosecution by learned A.P.P. in the said cases that in so far as Section 308 of the Indian Penal Code is concerned, part I of Section 308 is applicable. In that view of the matter, maximum punishment for such offence is three years.

Applicant is arrested on 28/02/2015. Thus, since

last about six months, he is in jail.

7. It is not the case of the prosecution that if the applicant is released on bail, he will not be available to the course of justice. In that view of the matter, applicant can be released on bail on certain conditions. That leads me to pass the following order.

ORDER

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Aaga Khan s/o Miya Khan be released on bail in connection with Crime No. 45/2015 registered with MIDC Waluj police station, District Aurangabad for the offences punishable u/s 277,278,284,308,336 read with 34 of the Indian Penal Code on he executing P.R. Bond of Rs. 50,000/- [Rupees Fifty Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Present applicant shall attend Local Crime Branch, Aurangabad once in a fortnight preferably on every Sunday between 11.00 a.m. – 2.00 p.m. till the trial is over.

- (iv) Present applicant shall not leave the Country without prior permission of the learned trial Court.
- (v) Present applicant shall not influence any prosecution witness or shall not tamper with the prosecution case.
- (vi) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]