

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1731 OF 2016

Fayyaj S/o Raju Pathan,
Age 25 years, Occu.: Labour,
R/o near Alamgir Masjid,
Indiranagar, Garkheda Area,
Aurangabad

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

.....

Mr. Pathan Yunus Basheer, Advocate for the applicant
Mr. A.R. Borulkar, APP for the respondent-State

.....

CORAM : M.T. JOSHI, J.
DATED : 29/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Jawahar Nagar Police Station, Dist. Aurangabad in Crime no. 42 of 2016 for the offences punishable under section 395, 323, 504, 506 of the Indian Penal Code, is praying for his release on bail.

3. The complaint would show that while the complainant alongwith his companion was playing certain game as a part of some Sangh activity, the present applicant alongwith 5-6 persons came there. A verbal exchange took place as he had given a push by his scooty to the complainant. During the incident, he has taken away an amount of Rs.2500/- from the person of the complainant and also criminally intimidated him. In the circumstances, the crime came to be registered. The applicant was arrested on 8/2/2016. The learned Judicial Magistrate First Class has sent the applicant to the Magisterial custody on the next day.

4. Learned counsel for the applicant submits that the investigation is almost complete. According to him, over a trivial incident, exaggeration of taking away of the amount, to show the offence as serious one, are made.

5. Learned A.P.P. opposed the application. He submits that the rest of the accused are yet to be arrested.

6. Considering all the facts on record, in my view, the applicant can be released on bail on certain conditions. Hence, the following order:-

7. The Application is allowed.

8. The applicant be released on bail in Crime no.42 of 2016 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offences punishable under section 395, 323, 504, 506 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

9. Upon his release, the applicant shall attend the concerned Police Station between 9.00 am and 10.00 am on every 2nd and 4th Monday for a period of four (4)

months from the date of his release.

10. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-