

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3867 OF 2016

IN

CRIMINAL APPEAL NO.429 OF 2016

Bhikan Chotekha Pathan,
Age-42 years, Occu:Agri.,
R/o-Borgaon Arj,
Tq-Phulambri, Dist-Aurangabad.

...APPLICANT
(Orig. Accused)

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr.Pradip K. Palve Advocate h/f. Mr. D.K.
Dagadkhair Advocate for Applicant.
Mr.K.D. Mundhe, Advocate for Respondents.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 9TH AUGUST, 2016

ORDER :

1. Heard learned counsel for the Applicant and
learned A.P.P. for State. Perused record. The
Applicant - Appellant - accused has been convicted

under Section 354, 341, 506 of the Indian Penal Code, 1860 ("I.P.C." in brief) and under Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The maximum sentence is of six months under the heads of Section 354 and 506 of I.P.C.

2. Considered facts of the matter and the Judgment and reasons recorded by the learned trial Court. It is stated by the learned counsel for the Applicant that in this matter the case of prosecution is based only on the oral version of the victim and there is no other evidence. The counsel states that Applicant has good case on merits.

3. The learned A.P.P. opposes the Application for bail stating that it is a sensitive matter.

4. Perused the affidavit-cum undertaking

filed by the Applicant. The counsel states that the victim is resident of Borgaon Arj, Taluka-Phulambri, District-Aurangabad. It is stated that the Applicant will reside at Wadod Bazar, Taluka-Phulambri, District-Aurangabad, till the Appeal is decided. The counsel states that the Applicant has undertaken not to enter the village area of Borgaon Arj, Taluka-Phulambri, District-Aurangabad.

5. For reasons stated, Application deserves to be allowed. Hence, I pass following order:

O R D E R

(I) The Criminal Application is allowed.

(II) The sentence of imprisonment alone as imposed by the trial Court is suspended during pendency of the Appeal, which has been admitted, subject to the affidavit cum undertaking filed by the Applicant - accused.

(III) The accused shall not bother or trouble the victim or her family members in any manner.

(IV) This is further subject to the condition that the Applicant - accused appears before the trial Court on or before 29th August 2016 and he furnishes P.R.B. and S.B. in the sum of Rs.15,000/- (Rupees Fifteen Thousand).

(V) While admitting the Applicant to bail, the trial Court shall add condition that accused shall mark his presence in the trial Court every three months till disposal of the present Appeal. The trial Court shall send yearly report in January, about compliance regarding appearance of the accused.

[A.I.S.CHEEMA, J.]