

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

914 CRIMINAL APPLICATION NO. 4943 OF 2016

IIHAM SIRAJ KHAN

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Vijay Sharma, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 22nd SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 128/2016 registered at Jalgaon City police station, Jalgaon, Dist. Jalgaon for the offence punishable u/s 399 of the Indian Penal Code, by this application is praying for releasing him on bail.
2. Heard learned counsel for the applicant as well as learned A.P.P.
3. The learned A.P.P. opposed the application by contending that there are some statements of passers-by such as Mukesh Ashok Shelave and others, who are supporting the

prosecution case.

4. During the pendency of this application, the investigation is over and the charge sheet has been filed. Perused the charge sheet including the report lodged by Police Constable Akram Yakub Shaikh. According to the prosecution case, police squad signaled a car to stop. It did not. By chasing that car, it was intercepted and stopped. Four persons were found travelling in that car. It was alleged to be containing sticks, rod and sword-stick. The inmates of that car disclosed to police that there are 2 associates standing at Mamurabad road. Then, those 2 associates were also apprehended. The applicant is stated to be one of the associates of inmates of that car.

5. During investigation, nothing incriminating was seized from the present applicant. The investigation is over. The averments are to the effect that accused persons were found making preparation to commit decoity.

6. The learned counsel for applicant made a statement that the applicant is not having any criminal antecedents. I see no reason to refuse bail to the applicant after filing of the charge sheet. Hence, the following order.

(i) The application is allowed.

(ii) The applicant Ilham Siraj Khan in Crime No. 128/2016 registered at Jalgaon City police station,

Jalgaon, Dist. Jalgaon for the offence punishable u/s 399 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant to co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]