

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6193 OF 2016

Harishkumar S/o Jitu Chandaliya
Age : 19 years, Occu.: Student,
R/o : Plot No. 90, Jay Bhavani Nagar,
Bajaj Nagar, Aurangabad .. Applicant

Vs.

The State of Maharashtra
at the instance of MIDC Waluj
Police Station, Dist. Aurangabad .. Respondent

Mr. A.K. Bhosale, Advocate for the applicant
Mr. C.V. Dharurkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 15/11/2016

ORAL ORDER :

Heard.

2. By this application, the applicant prays for being released on temporary bail. The applicant has been named in crime no.I-212 of 2016 registered with MIDC Waluj Police Station for the offences punishable under section 302, 307, 452, 143, 147, 148, 149, 427, 504, 120-B of the Indian Penal Code and section 135 of the Maharashtra Police Act.

3. The application moved by the applicant under section 438 of the Code of Criminal Procedure has been rejected by this Court on 30/8/2016. In the present application, it is stated that the applicant, who is a student pursuing Diploma in Computer Technology is required to attend examination for Winter – 2016 Session. It is further submitted that in the First Information Report, there is no overt act attributed to the applicant.

4. The application is opposed by learned Additional Public Prosecutor on the ground that this Court has refused to grant relief to the applicant under section 438 of the Code of Criminal Procedure. In the alternate, it is submitted that in case the applicant is released on temporary bail, appropriate conditions may be imposed.

5. Perused the application as well as the time table for the Diploma in Computer Technology examination. As per the hall-ticket issued to the applicant, he has to appear for four papers for the first semester and six papers for the second semester. Said examinations are commencing on 16/11/2016 and the last paper is on 2/12/2016.

6. Considering the fact that the applicant is a student desiring to appear for his examinations, the following order is passed :-

ORDER

I) The applicant is directed to be released on temporary bail for the purpose of appearing in the Diploma in Computer Technology Course. The applicant shall furnish bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount alongwith an undertaking that he would surrender with the authorities on 2/12/2016 by 4.00 pm.

II) The applicant shall report at Police Station, MIDC Waluj, on every alternate day between 4.00 pm and 5.00 pm.

III) The applicant shall enter the jurisdiction of aforesaid Police Station only for the purpose of marking his attendance.

IV) Failure to abide by the aforesaid conditions, would make the applicant liable to lose the aforesaid liberty.

7. Application is allowed and disposed of in the aforesaid terms.

8. Authenticated copy of the order be provided to the learned counsel for the parties, on their request.

Sd/-

[A.S. CHANDURKAR]
JUDGE

arp/