

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.152 OF 2016

Umarmohammad Aslam Sultan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Osman Chishty, Advocate, for the Applicant
Mr.J.H.Ramugade, APP, for the Respondent – State
Mr.B.V.Salunkhe, Advocate, for the Original
Complainant

CORAM : REVATI MOHITE DERE, J.

DATE : 09.03.2016

P.C.

. Heard learned counsel for the Applicant,
learned counsel for the Original Complainant and
the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks
his enlargement on bail in connection with C.R.No.
191 of 2015 registered with the Shivajinagar Police
Station, District – Kolhapur, for the alleged
offences punishable under Sections 420, 507 r/w.34

of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant, a young boy, aged 18 years and a student, has been arrested in connection with the aforesaid offence on 22.10.2015. He submits that the Applicant is not even remotely connected with the alleged offence. He submits that the transactions were between the Applicant's father and the Complainant and hence even the FIR does not disclose the name of the Applicant or his complicity. He submits that the entire allegation in the charge-sheet is against the Applicant's father and his Manager. He submits that inspite of the fact, that there is absolutely no material as against the Applicant, he is been languishing in the jail for the last four months.

4. Learned APP on the instructions of the investigating officer, who is present in Court

states that there is no material qua the Applicant except the statement of the co-accused, which is inadmissible.

5. Perused the papers. The Applicant is a young aged 18 years boy. It appears prima facie that there are no allegations qua the Applicant with regard to cheating the Complainant.

6. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two local sureties in the like amount;

(ii) The applicant is granted provisional cash bail of Rs.10,000/- for a period of three weeks from today, within which time he will furnish local sureties as directed in Clause (i);

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy
of this order.

(REVATI MOHITE DERE, J.)