

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.893 OF 2016

Siraj Ramzanali Charania ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**
.....

Mr.Satish S. Mande, Advocate for the Applicant.
Mr.S.H.Yadav, APP for the Respondent/State.
Mr.H.G.Biradar, PSI, D.N.Nagar Police Station.
....

CORAM : P. N. DESHMUKH J.

DATED : 11th AUGUST 2016.

P.C.

1 Heard learned counsel for both the sides.

2 Applicant having been involved in Crime No.318 of 2016 registered by D.N. Nagar Police Station, Mumbai for the offences punishable under Sections 354, 337, 341, 509, 323 read with Section 34 of the Indian Penal Code, has applied for anticipatory bail. Learned counsel for the applicant has submitted that from the report lodged by prosecutrix Pratibha no offence under Section 354 of the Indian Penal Code can be attributed towards the applicant, and has further submitted that in view of order passed by this Court though applicant has refunded Rs.650/- by Demand Draft to complainant, she has refused to accept the same, and has, therefore, contended that applicant is entitled for anticipatory bail, as from other documents

placed on record, it cannot be said that applicant and co-accused after collecting amount from persons had failed to provide them jobs.

3 Perused the case diary made available by the learned Additional Public Prosecutor. On perusal of report, it appears that co-accused Sufiyan and the applicant are alleged to have pushed complainant while asking her to go out of office, due to which she fell on the glass panel of the door, sustaining injury to her hands, as the glass broke down.

4 This Court vide its order dated 25/07/2016 had directed applicant to refund back Rs.650/- to the victim, as it is stated in the report that though she has paid such amount, she was neither provided job by the applicant's firm, nor her amount was refunded. In addition to above directions, applicant was also directed to place on record list of persons from whom such amount is collected and no job is provided to them.

5 In response to above directions applicant has placed on record copy of Demand Draft valued for Rs.650/- issued in the name of complainant, and on the earlier date has stated that she had not contacted applicant to collect said amount and, therefore, said Demand Draft was sent by speed post on her address. However, the packet is received back with endorsement 'refused'. According to learned Additional Public Prosecutor amount of Rs.650/- each is collected from about 136 persons. According to the learned counsel for the applicant out of these 136 persons, more than 85% persons are provided job,

while others did not join the job nor had claimed refund of Rs.650/-. In support of statement, as aforesaid, he has placed on record statement.

6 Having considering the facts, as aforesaid, interim bail granted to applicant is liable to be confirmed as per order below :

- (i) In the event of arrest of applicant in Crime No.318 of 2016, he shall be released on bail on his executing personal bond in the sum of Rs.20,000/- with one surety in the like amount.
- (ii) Applicant shall mark his attendance with Investigating Officer as and when called till filing of charge-sheet.
- (iii) Applicant shall keep the envelope stated to contain Demand Draft valued for Rs.650/- issued in the name of complainant in a safe custody till its validity period.
- (iv) Investigating Officer to inform complainant to contact applicant in their office on working day to collect the Demand Draft within its validity period.

7 Application is disposed of as allowed in above terms.

(P. N. DESHMUKH J.)