

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3156 OF 2017

SAYYED SALMAN SAYYED KASIM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patel Shaikh Ashpak Taher
APP for Respondents: Mr. A.S. Shinde

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CORAM : V. K. JADHAV, J.
DATED : 22nd AUGUST, 2017

PER COURT:-

1. This an application for getting released on bail in connection with crime No. 16 of 2017 registered with M.I.D.C. police station, Jalgaon for the offences punishable under Sections 395 and 397 of I.P.C. His application with similar prayer below Exh.9 in Sessions Case No. 40 of 2017 came to be rejected by the learned Additional Sessions Judge, Jalgaon by order dated 17.6.2017.

2. On the basis of complaint lodged by Arun Kashinath Sonar on 16.1.2017 the aforesaid crime came to be registered. It has been alleged in the complaint that on 15.1.2017 the complainant went to the house of his sister to meet her and at about 9.30 p.m. started returning to his own house. On way, some unknown persons advised him to change the road as the road ahead is not in working condition. Accordingly, the complainant had changed his road and on that road, at

Kaccha ascending road, he could not move his motor cycle further. At that time, one auto rickshaw came behind his motor cycle, occupied by near about 6 persons. Initially, they have shown their intention to help the complainant. However, thereafter beaten the complainant with fists and kick blows and also forcibly removed the cash amount from his pocket and also picked his mobile. On the basis of these allegations, the aforesaid crime came to be registered. The present applicant came to be arrested on 15.1.2017. Hence, this application for getting released on bail.

3. The learned counsel for the applicant submits that investigation is over in the case. The charge sheet has been submitted before the Court. Except the recovery of cash amount of Rs.2,000/-, there is no other incriminating evidence against the applicant. The learned counsel submits that the applicant has fixed place of residence and agricultural land is standing in the name of his father at village Mehrun Tq. Jalgaon. The learned counsel has placed on record the copy Aadhar Card.

4. The learned APP strongly resisted the application on the ground that, the applicant has been identified by the complainant during identification parade and certain cash amount also came to be recovered from the applicant during the course of investigation. The learned A.P.P. submits that, though charge sheet has been filed, there is strong prima facie evidence against the applicant and as such the

application seeking bail is thus liable to be rejected.

5. On perusal of complaint and investigation papers, it appears that, complaint came to be lodged against the unknown persons. There were six persons present at the time of incident and some of them beaten the complainant and some of them looted cash amount and Mobile handset. The applicant has fixed place of residence and he is not likely to be absconded. Only cash amount of Rs. 2,000/- came to be recovered at his instance. Thus, considering the allegations made in the complaint, I am inclined to release the applicant on bail. Hence, the following order.

O R D E R

- I. Application is hereby allowed.
- II. Applicant Sayyad Salman Sayyed Kasim, who is accused in Sessions Case No.40 of 2017, pending before the Additional Sessions Judge, Jalgaon, arising out of crime No. 16 of 2017 registered at M.I.D.C. Police Station, Jalgaon, be released on bail, on furnishing personal bond of Rs.25,000/- (Rs. Twenty Five Thousand Only) along with one solvent surety of the like amount.
- III. Bail before the lower Court.
- IV. Application is accordingly disposed of.

(V. K. JADHAV, J.)