

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

CRIMINAL APPLICATION NO. 3386 OF 2017

Jabbar s/o Kalender Khan, Age ... **Applicant**
42 years, Occ. Business, R/o.
Nehru Nagar, Katkat Gate,
Aurangabad

V E R S U S

The State of Maharashtra. ... **Respondent**

Mr. A. K. Bhosale, Advocate for the applicant
Mr. K.N. Lokhande, APP for the respondent/State.

CORAM : K. L. WADANE, J.

DATE : 2nd AUGUST, 2017

ORDER:

1. Heard Mr. Bhosale, learned counsel appearing for the applicant and Mr. Lokhande, learned APP appearing for the respondent-State.

2. The informant lodged complaint to the police station on 06.05.2017 alleging that on 03.05.2017 at about 1.15 to 1.30 p.m. his son Lukman called another accused Ansari on his telephone and demanded an amount of Rs. 27,000/- paid in advance in respect of his work at petrol pump. Soon after the

telephone call the accused persons along with present applicant and 5-6 unknown persons came at petrol pump. All of them holding weapons. They suddenly started assaulting the informant and his son and they attempted to commit murder. On the basis of the information given by the informant, offence came to be registered at Crime No. 145/2017 registered with Jinsi police station District Aurangabad for the offence punishable under section 307, 323, 504, 143, 147, 148, 149 of the Indian Penal Code.

3. Learned counsel appearing for the applicant points out that, as per the order of the 11th Judicial Magistrate First Class, Aurangabad, the directions were given to the investigating officer to collect the CCTV footage dated 03.05.2017 from Maulana Aazad College Aurangabad and produce the same before the Court.

4. It is the case of the applicant that, at the relevant date and time of the incident he was attending the meeting of Maulana Aazad College Aurangabad. Therefore, the applicant himself has

applied for collection of the CCTV footage. No where it is clear from the papers of investigation that, whether the investigating officer has collected such CCTV footage or not.

5. Mr. Bhosale learned counsel further points out the letter issued and signed by Principal Maulana Aazad College Aurangabad as well as Secretary of Minority Upliftment Forum dated 29.05.2017.

6. On perusal of the contents of that letter it appears that, the present applicant Jabbar Khan had attended NEET guidance program organized by Maulana Azad College of Arts, Science & Commerce and Minority Upliftment Forum for the benefit of students, parents and guardians. According to CCTV footage the applicant entered the campus at about 12.32 p.m. and was present and seen in the program. The program ended at 2.30 p.m. Thus, prima-facie it appears that at the relevant time of the alleged offence the present applicant was at Maulana Aazad College Aurangabad.

7. On perusal of the injury certificate of the informant it appears that, he had received four simple injuries by hard and blunt object. In view of the nature of the injuries and the fact that the applicant was attending the program at Maulana Aazad College Aurangabad and the fact that the applicant was available for custodial interrogation, the applicant can be enlarged on bail. Hence, following order.

O R D E R

(1) Application is allowed.

(2) The applicant shall be released on bail in connection with Crime No. 145/2017, registered with Jinsi Police Station, District Aurangabad, on his executing P.R. Bond of Rs.5000/- [Rs. five thousand only] with one solvent surety in the like amount.

8. Criminal application disposed of.

(K. L. WADANE, J.)

mkd/-