

3. Perused the papers. The incident in question has taken place on 30th September, 2016 at about 4:00 p.m. According to the complainant-Bablu Mohammed Ayub Khan, he was sitting with his friend Salman in

front of his house. He has stated that co-accused Ganesh and Govind called him and told him that they and two other friends were going to consume alcohol and demanded money from the complainant. According to the complainant, he told them that he did not have any money. Thereafter, 10 to 15 minutes later, co-accused Ganesh and Govind came to the said spot along with his two friends and forcefully made the complainant sit on a bike between Ganesh and Govind and took him to Kalewadi. It is alleged that all the accused including the applicant held him and restricted his movements. He has alleged that co-accused Ganesh forcefully removed Rs. 5,000/- from the complainant's pant and assaulted the complainant with a wooden log on his head and back. Co-accused Govind is alleged to have assaulted the complainant with a belt on his back and stomach and one of the unknown person is stated to have assaulted with a fighter on his face.

4. Learned Counsel for the applicant submits that although the applicant has been identified in the identification parade, no overt act has been attributed to the applicant. She submitted that the applicant does not have any antecedents. The said fact is not disputed by the learned A.P.P.

5. A perusal of the injury certificate of the complainant-Bablu Mohammed Ayub Khan shows that he had received a blunt trauma to his face, nose and eyes; blunt trauma to his back and chest and blunt trauma on his forearm. There is no recovery *qua* the applicant. Investigation is complete and charge-sheet is filed.

6. In view of the aforesaid facts, the application is allowed. The applicant is 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. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence 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 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;

(v) The applicant to cooperate with the conduct of the trial.

7. The application 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.