

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

BAIL APPLICATION NO. 1456 OF 2018

Aman Kalim KhanApplicant

V/s.

The State of MaharashtraRespondent

Mr. Aniket U. Nikam for the applicant.

Mr. Rajan Salvi, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 01st OCTOBER, 2018.

P.C.:

. Heard Mr. Aniket U. Nikam, learned counsel for the applicant and Mr. Rajan Salvi, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.74/2017 registered with Uttamnagar Police Station, District Pune for offences punishable under sections 397, 394, 504, 506(2) r/w. 34 of the Indian Penal Code, under sections 37(1)(3) r/w. 135 of Bombay Police Act and under section 4(25) of Arms Act.

3. The aforesaid crime was registered pursuant to the first information report lodged by one Sanket Mundalik, wherein the first informant had alleged that on 22/08/2017, at about 11:30 p.m. while he was closing his stall, the applicant and others came on two wheelers. They asked him to give some drinking water. When he told them that there was no water, the applicant and others abused and threatened him and damaged his stall. He had further stated that the other co-accused Nilesh Shinde, Suraj Pardeshi and Gulab Saudagar had assaulted him and one Ganesh Patankar by kicks and blows.

4. The first informant had further stated that on 23/08/2017, at about 03:30 a.m., the co-accused Nilesh Shinde and Mangesh Garad returned to his stall and that they abused him and Ganesh Patankar. He had further stated that Nilesh pointed a dagger and threatened to cause his death and demanded Rs.500/-. He had stated that out of fright, Ganesh Patankar gave Rs.500/- to Nilesh Shinde. The first informant claims that Nilesh Shinde thereafter snatched his wallet containing cash of Rs.8,000/-.

5. The first information report indicates that the applicant was present only during the first part of the incident i.e. on 22/08/2017 at

11:30 p.m. The applicant was not involved in the incident that occurred on 23/08/2017 at 03:30 a.m. There are no allegations about his involvement in demanding money or snatching the wallet. Thus, the material on record does not prima facie show that the applicant was involved in committing offences under section 394, 397 of the Indian Penal Code. The applicant is a permanent resident of Uttamnagar, Pune. There are no chances of his absconding or fleeing from justice.

6. Considering the above facts and circumstances, the Application is allowed on following terms and conditions :-

(a) The applicant who is arrested in C.R.No.74/2017 registered with Uttamnagar Police Station, District Pune is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall report to the Senior Police Inspector of Uttamnagar Police Station on 1st Monday of every month until further orders.

(c) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(d) The applicant shall not change his residential address without prior intimation to the concerned Court.

(e) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)