

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2104 OF 2018

Ahmed Soheb Khan, Age 21 years,
Occ.Student, R/o.A/1, Kamal Apartment,
S.V.Road, Near Jama Masjid, Bandra (W),
Mumbai-400 050.

At present in Arthur Road Jail, Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

Mr.P.A.Pol I/by Pol Legal Juris with Rajesh Darvesh for applicant.

Ms.A.A.Takalkar, APP, for State.

Mr.S.B.Mulani, API, Amboli Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th September 2018

PC :

1. The applicant is seeking bail in connection with CR No.348 of 2018 registered with Amboli Police Station, Mumbai for offences under Sections 354, 509, 323, 504 and 506 of Indian Penal Code. The applicant was arrested on the same day and since then he is in custody.

2. The case of the prosecution is that the complainant and accused are known to each other for a long time. On 30th July 2018 the accused came to meet the complainant. After meeting the complainant he questioned her as to where she had gone. The complainant informed him that she had gone with her friend and her

friends boy friend. The applicant got angry with the said reply and started doubting her. He abused her in filthy language and assaulted her by fist and kick blows on various parts of body including her private part. The accused also threatened her that in case she informs the incident to any person, he would throw acid on her and would also assault her family members. On the next day she lodged the complaint. Learned advocate for applicant submits that he is in custody from the date of arrest. On 1st August 2018, he was produced for remand before the concerned Court and he was remanded in custody. On the first day itself the Court had remanded him to judicial custody. The applicant is a student of last year of B.Com degree course. It is submitted that there are no criminal antecedents against applicant.

3. Learned APP submitted that the applicant had assaulted the complainant by fist and kick blows. She was also threatened that in the event accused discloses the incident to any other person, he would throw acid on her. It is further submitted that the statement of complainant u/s 164 of Cr.P.C is yet to be recorded. Learned APP also produced medical certificate which indicates that the complainant had sustained contusion and trauma which is simple in nature.

4. From the tenor of FIR it appears that the complainant and accused are known to each other. The accused had visited the spot with a view to meet her. There was a quarrel between them as reflected in the FIR. The offence was registered under the aforesaid provisions. The applicant is in judicial custody. Considering the nature of allegations made in the FIR, stringent conditions can be

imposed on the applicant. It appears that the applicant is a student of B.Com and there are no reported criminal antecedents against him. His presence in custody is not required for any investigation.

5. In the circumstances, I pass following order :

ORDER

- (i) The applicant is directed to be released on bail in connection with CR No.348 of 2018 registered with Amboli Police Station, Mumbai on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (ii) The applicant shall not enter within the jurisdiction of Amboli Police Station, Mumbai till further orders and shall not try to contact or threaten the complainant and her relatives;
- (iii) The applicant is directed to report Station In-charge of Bandra (West) Police Station once in a month on first Saturday between 10 am and 12 noon till further orders.

(PRAKASH D. NAIK, J.)

MST