

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 306/2019

1. Samir Khan s/o Najmoddin Khan,
Aged about 29 years, Occ:- Labour,
R/o; Indira Nagar, Buldana,
District – Buldana. (In Jail) APPLICANT

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Buldana (city),
District – Buldana.
2. Ku. Rinki d/o Gajrajsingh Gautam,
aged about 18 years,
R/o; Dwarka Nagar, Buldana. RESPONDENTS

Shri R. M. Daga, Advocate for the appellant
Shri T. A. Mirza, APP for respondent no. 1/State.
None for respondent no. 2.

CORAM : Z. A. HAQ & M. G. GIRATKAR, JJ.

DATED : 05/11/2019

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

- 1] Heard.
- 2] None appears for respondent no. 2 - Victim, though served.
- 3] **Admit.**

4] The appellant is arrested on 01st October 2018 in connection with Crime No. 972/2018 registered with respondent no. 1 for offence punishable under Sections 452, 376, 324, 323, 354 (D), 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i)(ii), 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act 1989.

5] The prayer of the appellant for grant of bail is opposed on the ground that the material on record prima facie shows commission of crime by the appellant, and the appellant is habitual offender.

6] The investigation is complete and charge-sheet is filed. Respondent no. 1 – Investigating Agency has not been able to point out that further custody of the appellant is necessary.

7] After considering the facts of the case, we are of the view that the appellant is entitled to be released on bail. Hence, the following order:

(i) The impugned order is set aside.

(ii) The appellant having been arrested in connection with Crime No. 972/2018, be released on bail on his executing P.R. Bond for Rs.25,000/- and on furnishing one solvent surety in the like amount.

(iii) The appellant shall attend the trial before the Sessions Court on every date unless granted exemption by the Sessions Court.

8] The Criminal Appeal is **allowed** in the above terms.

CRIMINAL APPLICATION (APPA) NO. 457/2019

In view of disposal of the appeal, the application praying for dispensing with filing of typed copy of charge-sheet does not survive. Hence, it is **disposed**.

JUDGE

JUDGE