

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.42/2020

Sayyad Juned Sayyad Taher and anr. .vs. State of Maharashtra through PSO
P.S. Raipur, Tq. Dsit. Buldhana.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. J. Thakkar, Advocate for applicants.
Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : FEBRUARY 4, 2020

Heard Mr.Thakkar, learned counsel for applicants
and Mr. Doifode, learned A.P.P. for non applicant-State.
Also perused reply filed on behalf of the prosecuting agency.

Applicants were arrested on 04.11.2019 in
connection with Crime No.162/2019 registered with Police
Station Raipur, Dist. Buldhana for an offence punishable
under Sections 395, 201, 323, 354-A and 506 of the Indian
Penal Code.

Applicants are accused nos.1 and 5 respectively.
They are arrayed in the charge-sheet. As per the First
Information Report lodged by the victim herself, she came to
bus stand Dhad from Aurangabad since she was intending to
visit a place called *Sailani* which is 17 km. away from Dhad.
As per the prosecution case, that time accused persons came
there and asked that they are ready to give her lift till the
said place. Therefore, she sat on the motorcycle. The
motorcycle was taken to petrol pump of Dhad and there

Tavera car was called and the complainant was asked to board the said car. According to prosecution case, applicant no.1-Sayyad Junaid was driving the said Tavera car and applicant no.2-Amanullah Khan was sitting in the said car. As per the FIR, the co-accused Arif Khan tried to outrage her modesty by pulling her left hand. He also snatched gold necklace from her person and other accused Atik Khan and Sabir Khan also outraged her modesty by touching her private parts.

There is no overt act attributed to the present applicants that they have outraged modesty or took away any gold ornament of the complainant.

In view of the aforesaid nature of accusation and in view of the fact that applicants are in jail from 04.11.2019, they need not to continue their jail presence. Of course, their culpability can be decided during the course of trial. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant no.1-Sayyad Juned Sayyed Taher and applicant no.2-Amanullah Khan Bismillah Khan be released on bail in connection with Crime No.162/2019 registered with Police Station Raipur, Dist. Buldhana for an offence punishable under Sections 395, 201, 323, 354-A and 506 of the Indian Penal Code, on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall attend Police Station Raipur, Dist. Buldhana, twice a month i.e. on first and third Wednesday of each month and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m. till culmination of the trial.

The application is disposed of.

JUDGE

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