

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

60 BAIL APPLICATION NO.1482 OF 2023

SHAIKH KHALIL KAISAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. P P Shinde
APP for Respondent : Mr. K S Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 28, 2023

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PER COURT :-

1. Leave to correct the prayer clause. Amendment be carried out forthwith.

2. The applicant seeks regular bail in connection with Crime No.111 of 2023 registered with Parli Police Station (GRP), Railway Aurangabad for the offences punishable under section 397 of the Indian Penal Code.

3. Investigation was set in motion on the basis of the FIR dated 22.6.2023 registered with Railway Police station, Parli for the offence punishable under section 307 of the IPC which was subsequently converted to section 397 of the IPC. Allegations in the FIR state that while the informant was travelling in the Train No.17650 Aurangabad-Hyderabad Express in General Coach between Gangakhed to Karepur, the accused, who was known to the informant pushed him from the Train for the reason that the informant refused to accompany him to Hyderabad. After 5 days of the recording of

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the FIR, informant further adds that amount of Rs.700/- was taken out of his pocket.

4. Learned advocate appearing for the applicant would submit that, entire case of the prosecution is based on the false and imaginary story. She would submit that on account of some other reason, the applicant has been falsely implicated. The FIR is delayed. By subsequent statement allegation is incorporated regarding robbery of the amount. She would therefore submit that the applicant be released on bail.

5. Mr. Patil, learned A.P.P. opposes the prayer. He would submit that amount of Rs.700/- has been recovered from the applicant.

6. Having considered the submissions advanced, it is apparent that investigation in the matter is over. Charge-sheet is filed. There is delay in lodging the FIR. Further allegations regarding snatching of amount of Rs.700/- is subsequently added. Prima facie case sought to be made out against the applicant falls short to inspire the confidence. Since investigation is over and charge-sheet is filed, the applicant is behind bar for more than two and half months, case is made out for grant of bail. Hence, following order is passed.

ORDER

I. Criminal Bail Application is hereby allowed.

II. The applicant - Shaikh Khalil Kaisar be released on bail in connection with Crime No.111 of 2023 registered with Parli Police Station (GRP), District -Railway Aurangabad for the offence punishable under section 397 of the Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one S.B. of the like amount, on the following conditions :-

a] The applicant shall not tamper with the prosecution evidence in any manner.

III. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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