

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

**CRIMINAL APPLICATION NO.4072 OF 2023
IN APEALST/11468/2023 WITH APPEALST/11468/2023**

ABDUL RAUF ABDUL KADAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. M. R. Wagh

APP for Respondents: Mr. S. P. Sonpawale

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 07, 2023

PER COURT :

1. Learned Counsel for the Appellant submits that the learned Additional Sessions Judge has made observation about presence of the Appellant at mosque at the relevant time.

2. Having regard to this fact, liberty of the Appellant is protected till the prosecution and informant are heard in the matter. Hence, the order:

O R D E R

- (i) Criminal application no. 4072 of 2023 is allowed. Delay in filing Appeal is hereby condoned.
- (ii) Issue notice to the Respondents in Appeal, returnable on 12th December, 2023. Learned APP waives service of notice on behalf of Respondent Nos. 1.

- (iii) Till next date, in the event of arrest of the Appellant in connection with C.R. No. 132 of 2023 registered with Aundha Nagnath Police Station, Dist. Hingoli for the offences punishable under Sections 506 and 509 of Indian Penal Code and Sections 3(2)(v)(a), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iv) He shall attend the concerned police station as and when required.
- (v) He shall not contact the witnesses directly or indirectly.
- (vi) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani