

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRI. REVISION APPLICATION NO. 31 OF 2015
WITH
CRI. APPLICATION NO. 68 OF 2015
IN
CRI. REVISION APPLICATION NO. 31 OF 2015**

Shri Abdul Hafiz Sayyad Choudhary ... Applicant.
(org.Accused)

V/s.

The State of Maharashtra ... Respondent.

Mr. Ganesh M. Mohite, Advocate for the Applicant.
Mr. D.R. More, APP for the State.

**CORAM : M.L.TAHALIYANI,J.
DATE : 11th FEBRUARY, 2015**

P.C. :

- 1 Heard.
- 2 Admit.
- 3 Call record and proceedings.

CRIMINAL APPLICATION NO. 68 OF 2015

1 Heard the learned Advocate appearing for the Applicant and the learned additional public prosecutor for the State.

2 Perused the impugned judgments passed by the trial court as well the appellate court. The applicant has been

convicted for the offences punishable under section 380 of the Indian Penal Code and section 25 read with section 4 of the Arms Act. The appeal of the applicant has been dismissed.

4 I have gone through the evidence of the complainant. I have gone through the statement recorded by the police. Certain admissions have been made by the complainant PW-2-Leelabai in her cross-examination which prima facie indicate that she was not knowing the names of the persons who had entered her house. The applicant is alleged to be one of such persons. Moreover the applicant and other accused, who are acquainted with complainant, had visited the house of the complainant when her husband was present on the earlier day. Therefore, it could be possible that the story could be different than what is stated in the evidence by the PW-2. Obviously, this could be a matter of argument at the time of final hearing. However, the case is made out for grant of bail.

5 The Applicant be released on bail in sum of Rs. 20,000/-(Rs.Five thousand) with one solvent surety in the like amount or a cash deposit of Rs.25,000/- in lieu of surety.

6 The application is allowed accordingly.

(JUDGE)

.....