

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 614 OF 2015**

Sattar Montu Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Neville D. Deboo i/b Mr. Abhay B. Bhoir for the Applicant

Ms. Aruna S. Pai, A.P.P for the Respondent-State

API Mr. Vijay Kamble from DCB CID, Unit-2 is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 16TH APRIL, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the respondent-State.

2. By this application, the applicant seeks pre-arrest bail in connection with the C.R. No. 344 of 2014 registered with the DCB CID, Unit 2, for the alleged offences punishable under Sections 399, 402 of the Indian Penal Code, Section 37(1)(a), 135 of the Bombay Police Act and under Sections 4 and 27 of the Arms Act.

3. It is alleged by the prosecution that on 22nd November, 2014 at about 5:30 p.m., the complainant i.e. Police Head Constable Prakash

Sawant, who was attached to the DCB CID, Unit 2, received an information from an informer that at about 21:00 hrs., some persons were going to assemble at the French Bridge, Near Opera House and were planning to commit dacoity in a jeweller's shop. The said information was passed on by the complainant to his superior, pursuant to which, a trap was laid. At about 21:15 hrs., two persons came at the spot near the French Bridge at Opera House, who were joined by three other persons and all of them were chitchatting. The complainant is alleged to have gone near the said persons and heard their conversation. It is alleged that the said persons were discussing that after closing the jeweller's shop, they will make a hole to the wall from the back side of the shop and enter the said shop and if they find anyone, they will kill them and after collecting the booty, would meet at the APMC Market. Pursuant to the signal given by the complainant to the raiding staff, the said persons were surrounded, out of which, three were arrested on the spot and two managed to escape.

4. Learned Counsel for the applicant contended that the offence under Section 399 is punishable with imprisonment of 10 years and the offence under Section 402 is punishable with imprisonment of 7 years. He

submitted that the FIR shows the names of only 3 persons and that there is no mention of two other absconding persons.

5. Learned A.P.P opposed the bail application. She contended that the names of all the five persons are spelled out in the complaint. She submitted that there is recovery of chopper from the applicant, who was apprehended at the spot at the time of the incident. She further submitted that the applicant has 3 antecedents and that whilst on bail, the present offence has been registered against the applicant.

6. Perused the charge-sheet. The applicant was apprehended on the spot with a chopper in his possession. There are also antecedents as against the present applicant. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail. The application is rejected accordingly. However, the trial Court shall make an endeavour to conduct the trial as expeditiously as possible.

REVATI MOHITE DERE, J.