

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1277 OF 2015**

|                           |               |
|---------------------------|---------------|
| Firoz @ Fi Mehboob Shaikh | ...Applicant  |
| Versus                    |               |
| State of Maharashtra      | ...Respondent |

Ms. Debajyoti Talukdar for the Applicant

Ms. S. D. Shinde, A.P.P for the Respondent-State

API Mr. Sandip Jagtap from Wanorie Police Station is present

**CORAM : REVATI MOHITE DERE, J.**  
**WEDNESDAY, 7TH OCTOBER, 2015**

**P.C. :**

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

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 314 of 2014 registered with the Wanorie Police Station, Pue, for the alleged offence punishable under Section 302 of the Indian Penal Code.

3. The complainant is one Mansur Nisar Patel, the Manager of 'Sairaj Petrol Pump'. He has stated that on 28<sup>th</sup> December, 2014, he closed

the Pump and was carrying cash of Rs. 3,72,000/- with him. He has stated that he kept the said cash amount in his Honda Activa vehicle and was proceeding towards his residence. He has alleged that before he reached his residence, three persons came on two motorcycles; one of them kicked the complainant's bike, as a result of which, he fell. He has alleged that the said persons assaulted him and took his Honda Activa vehicle along with the cash. Pursuant to the said incident, the complainant – Mansur Patel lodged a complaint as against three unknown persons (aged about 20 – 23 years). The incident is alleged to have taken place at 12 midnight.

4. Learned Counsel for the applicant submits that according to the complainant, the accused had covered their faces and as such could not be identified. He submits that even otherwise, no identification parade has been held. He submits that the only material qua the applicant is recovery of Rs. 30,000 from the applicant's relative's house. He submits that there is a recovery of a Pulsar, however, the same is not connected with the alleged offence. He submits that the applicant has no antecedents.

5. Learned A.P.P does not dispute the aforesaid.

6. Perused the charge-sheet. It appears that the complaint has been lodged as against three unknown persons, however, subsequently in the supplementary statement, it was stated that there were four persons. It appears *prima facie* that the only material *qua* the applicant is recovery of Rs. 30,000/-, that too from the house of the applicant's relatives. The applicant has no antecedents.

7. Considering the aforesaid and the fact that the investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

**ORDER**

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Wanorie Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant shall submit an undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**

**CERTIFICATE**

Certified to be true and correct copy of the original signed  
order.

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