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

CRIMINAL BAIL APPLICATION NO.401 OF 2016

Umed Rafiq Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.G.Rajput, for the Applicant

Ms. G.P.Mulekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 21st APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 70 of 2015, registered with the Meeraj City Police Station, for the alleged offences punishable under Sections 395, 420, 342, 120B, 170 of the Indian Penal Code.

3. The present applicant is the original accused no.6. According to the prosecutrix on 27th March, 2015 at about 9.15 to 9.45 p.m., 4 to 5 unknown persons entered the complainant's house and disclosed to her that they were police from the Mumbai Crime Branch and that some income tax officers were sitting in the car and asked the complainant to hand over the mobile phones. She has alleged that the mobile phones and sim cards were removed from the said mobile phones and the said persons disclosed to the complainant that they wanted to take a search of their residence. It is alleged that one person asked the complainant to hand over the locker keys which was refused by the complainant's husband, pursuant to which, he was assaulted with a stick. The complainant's son was also assaulted by the accused persons, pursuant to which the complainant's husband handed over the keys of the locker, after which gold ornaments and cash amounting to Rs.8,64,500/- was taken by the accused persons.

4. Learned Counsel for the applicant submitted that the applicant is aged 23 years and that he has no antecedents. He submitted that although the applicant has been identified, there is no specific role attributed to the present applicant. He submitted that there is recovery of cash of

Rs.12,500/- at the instance of the applicant, however, the said cash is not identifiable.

5. Learned APP opposed the bail application. She submitted that the present applicant along with other co-accused had gone to the house of the complainant and had disclosed that they were police officers from the Mumbai Crime Branch and that some of them were Income Tax Officers and had looted gold ornaments and cash amounting to Rs.8,64,500/-. She submitted that the applicant has been identified by 5 witnesses and that supplementary statements to that effect have been recorded subsequently. She submitted that there is recovery of cash of Rs.12,500/-, at the instance of the applicant.

6. Perused the papers. The applicant have been identified by the 5 witnesses, including the complainant, her husband, her son and others. The possibility of the applicant tampering with the witnesses cannot be ruled out.

7. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the Application for bail is rejected and disposed of as such. However, the trial is expedited. The Trial Court shall make an endeavour to conclude the trial, as expeditiously as possible.

9. Needless to observe, that the trial court shall decide the case on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.