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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 145 OF 2016**

Salim Baban Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 2501 OF 2015**

Aiyaz Babulal Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms.Shilpa S. Mangale, for the Applicant in BA No.145 of 2016.

Mr.Rupesh Zade, for the Applicant in BA No.2501 of 2015.

Ms. Veera Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 9th MARCH, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No.151 of 2015, registered with the Bhigwan Police Station, Pune, for the alleged offences punishable under Sections 399 and 402 of the Indian Penal Code.

3. The first informant is one Police Constable – Abhijit D. Ekshinge. He was attached to the Bhigwan Police Station. According to him on 18th September, 2015, two persons viz Bablu Chandgude and Vaibhav Bhosale informed him, that about 5 to 7 persons were standing near Sharadchandra Pawar B.Ed College, besides a white colour vehicle. Pursuant to the said information, PSI – Yadav along with his colleagues went to the said petrol pump and found the said persons standing near the said white vehicle. On seeing the police, the accused including the applicants started running from the spot. All the accused were apprehended at the spot. On searching the vehicle, one sword, a nylon rope, chilly powder, one battery etc. came to be found. Thereafter, a panchanama was carried out in the presence of the witnesses and all articles including the vehicle worth Rs.4,01,000/- was seized.

4. Learned Counsel for the applicants state that the applicants have no connection with the alleged offence and that the applicants have no antecedents. As far as applicant in bail application no.145 of 2016 is concerned, the learned counsel submitted that there is no recovery, at his instance. Learned Counsel submitted that the said applicant was arrested

on suspicion and that he had no connection with the alleged offence.

5. Learned APP opposed the bail applications. She submitted that all the accused were apprehended on the spot, and that they had come to the petrol pump, with the intention and preparation of committing dacoity. She submitted that some of the co-accused have antecedents and similar cases have been registered as against them. She relied on the statement of one Zuber Nazir Shaikh, the cousin of Aiyaz Babulal Shaikh, the applicant in Bail Application No.2501 of 2015 to show that the applicant had taken the car from the said Zuber, two days prior to the incident.

6. Perused the charge-sheet. Pursuant to the information received, the applicants were apprehended on the spot with incriminating articles. It appears, that there are similar cases registered as against the co-accused. During search of the vehicle, articles such as sword, a nylon rope, chilly powder, one battery etc. were found. As far as Aiyaz Babulal Shaikh, the applicant in Bail Application No.2501 of 2015 is concerned, there is recovery of one mobile phone and the statement of his cousin brother – Zuber.

7. Considering the nature of allegations, this is not a fit case to enlarge the applicants on bail. The applications are accordingly rejected and disposed of.

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

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.