

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 285 OF 2016

Parvez @ Pravin @ Pradip Akbar Shaikh	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Irfan A. Shaikh, Advocate for the applicant.
Mr. S.H. Yadav, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **31st March, 2016.**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 399, 402 of the Indian Penal Code and under section 37(1), 135 of the Bombay Police Act and section 4, 25 of Arms Act in C.R. No. I-357 of 2015 registered with Koparkhairane Police Station. The offence is registered on 13th November, 2015.

2. It is the case of the prosecution that the applicant/accused is on the crime record of the police. On 13th November, 2015, when Angad Namdev Yelkar, Ps.I. was patrolling within his jurisdiction of Koparkhairane Police Station, he received information that the applicant/accused along with his associates is hatching conspiracy to have dacoity on Punjab National Bank. The police laid trap and got the applicant/accused and other two persons. Rest of the three persons ran away from the spot. One chopper was found

at the instance of the applicant/accused. A nylon rope and chilly powder was found at the instance of other accused. The applicant/accused was arrested, hence this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He is falsely implicated in this case. He submitted that antecedents which are shown in the remand report dated 14th January, 2016 before the learned Sessions Judge are not correct, as two cases, i.e., C.R. Nos. 358 of 2016 and 360 of 2015 under section 420 r/w. 34 of IPC are shown registered subsequent to his arrest. There is one C.R. No. 392 of 2013 which is an old C.R. The learned counsel submitted that the applicant is permanent resident of Ulhasnagar. He further submitted that the applicant's wife has delivered a baby boy in last week of February. He submitted that the baby boy is his first child and there is nobody to look after his wife and child. He further submitted that the charge sheet is filed. Therefore, he prays for bail.

4. Learned APP opposed the Bail Application. He submitted that the applicant is criminal on the record of police and he is the resident of Uttar Pradesh and is likely to jump the bail.

5. Perused the FIR and the relevant papers. It is the case under section 399 and a chopper was seized at the instance of applicant/accused. Considering the submissions of learned counsel for the applicant/accused and the learned APP, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing PR. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount and out of which one surety should be a local surety;
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not indulge into any criminal activity, while on bail;
- (v) The applicant shall make himself available and attend all Court dates;
- (vi) The applicant shall not abscond and furnish the permanent address of his native place and also permanent address in Mumbai to the police along with address proof.
- (vii) The applicant shall not leave India without the prior permission of the Court.

(viii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)