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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 659 OF 2016.

Abdul Latif Mohammed Khalil Khan

.. Applicant.

Vs.

The State of Maharashtra

..Respondent.

Mr R.C. Mishra for the Applicant.

Smt. S.S.Kaushik, APP for the State.

Mr N.B.Jagtap, P.S.I. Charkop P.S. present.

CORAM : A.S.GADKARI, J.

DATE : 27th September, 2016

PC.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 for bail in CR No. 401 of 2015 dated 7/11/2015 registered with Charkop Police Station, Mumbai under sections 399, 402 of the IPC and section 3, 25 of the Arms Act.

2) The first information report is lodged by Parshuram B. Sawant, the Police Head Constable attached to Charkop Police Station, Kandivli (West), Mumbai. In brief, it is the prosecution case that the police received confidential information from its reliable informant that some persons are likely to assemble at a particular spot within their jurisdiction to commit a dacoity near the Matoshri Banglow, Kandivli (West), Mumbai. After receipt of the said confidential information the police laid a trap near the scene of offence. After the accused persons assembled at the spot, the informant of the police gave signal to them. The police accordingly accosted six persons who were present at the said spot and took

their search. The applicant was found in the possession of a country-made firearm having double trigger and one of the barrel of the said gun was having one live cartridge in it. The other accused persons were found in possession of knives and choppers. After arresting the applicant and the other accused persons the present crime is registered. After completion of investigation the police have submitted the charge-sheet.

3) The record reveals that the applicant was apprehended by the police on the spot and he was found in possession of a country-made firearm along with a live cartridge in it. That the applicant is also an accused in CR No. 638/2014 registered with Bandra Police Station, Mumbai under section 392 read with 34 of the IPC and when he was on bail in the said crime, the applicant has committed the present crime. The learned APP submitted that if the applicant is released on bail he will again indulge in similar type of offences.

4) In view of the above, this Court is of the considered view that, this is not a fit case to release the applicant on bail.

5) The application is accordingly dismissed.

(A.S. GADKARI, J.)