

Anand

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

BAIL APPLICATION No.806 OF 2016

Faizal Mehboob Sayyed .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.G.M.Savagave, Advocate, for the Applicant
Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 13.04.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.167 of 2015 registered with the Swargate Police Station, District – Pune, for the alleged offences punishable under Sections 120B, 302 r/w.34 of the Indian Penal Code, under Section 37(1)(3) of the Bombay Police Act and under Section 25 of the Arms Act.

3. Learned counsel for the Applicant states that the only allegation qua the Applicant is that he supplied weapons to accused No.1-Mehboob Pathan, which were allegedly used in the commission of the offences. He submits that admittedly, the Applicant was not present at the spot at the time of the alleged incident nor is he stated to have participated in the commission of the alleged offences. He submits that there is no recovery at the instance of the Applicant, no last seen or any other material to connect the Applicant with the alleged offences. He submits that the only statement is that of Noorjanhan Shaikh which according to him only shows that the Applicant was carrying a gunny bag.

4. Learned APP on the instructions of the investigating officer, who is present in Court states that the present Applicant was not present at the spot at the time of the alleged

incident nor has he participated in the commission of the alleged offences. He submits that the only allegation qua the Applicant is that the Applicant supplied weapons to accused No.1-Mehboob Pathan which were used by Mehboob Pathan and others in the commission of the alleged offences. He also submits that there are no antecedents qua the Applicant.

5. Perused the charge-sheet. The only evidence as against the Applicant is that he supplied weapons to accused No.1-Mehboob Pathan which were used in the commission of the alleged offences. Investigation is complete and charge-sheet has been filed.

6. Considering the fact, that the Applicant was not present at the spot at the time of the alleged incident nor has he participated in the actual commission of the alleged offences, the Applicant is enlarged on

bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Swargate Police Station, District – Pune on the **1st and 3rd Saturday of every month** for a period of 6 months between **10.00 a.m. and 11.00 a.m.** and thereafter, on the **1st Saturday of every month** till the conclusion of the trial;

(iii) The Applicant shall stay out of the jurisdiction of the Swargate Police Station, Pune except for the purpose of attending the police station as per clause(ii), for a period of one year of his release;

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

(v) 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;

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

(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.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)