

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1046 OF 2016

Mr. Rintu Salim Khan Vs. The State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.R.Tiwari i/by Dilip Keni for the applicant.

Mrs. J.S.Lohokare, APP for the Respondent-State.

Mr. H.G. Jadhav, PSI from Bangur Nagar Police Station present.

CORAM :A.S.GADKARI, J.

DATE : 28th September, 2016

P.C.

1) This is an application for bail under Section 439 of the Cr.P.C. in CR No.364 of 2015 dated 6.1.2016 registered with Bangur Nagar Police Station, Mumbai under Section 307, 365, 342 read with 34 of the Indian Penal Code.

2) The first information report is lodged by Sanjay Taneja. It is the prosecution case that accused No.2 Sohail Khan was doing the business of Estate Agent. The complainant came into contact with accused No.2 Sohail Khan. The applicant is the driver of the said accused No.2 Sohail Khan. Due to acquaintance the complainant expressed his desire to sale/purchase a plot of land through accused No.2 Sohail Khan. That, on 5.11.2015 at about 17.45 p.m. Sohail Khan gave a call to the complainant in respect of sale of a plot and requested him to come at the

particular spot along with papers of the said plot. At about 8.05 p.m. the accused No.2 Sohail Khan along with the present applicant came in a maroon colour Wagan-R car. Accused No.2 Sohail Khan directed the complainant to occupy the adjacent seat and the applicant was directed to drive the said car towards Hyper City Mall, Link Road near dumping ground. The applicant drove the said car near dumping ground and took turns around the said dumping ground. The complainant got suspicion about the bonafide and he questioned the accused Sohail Khan, where is the intending purchaser and why he is wandering the car around the dumping ground. The accused Sohail Khan got annoyed about the same and he took out the steel clutch wire of the motor cycle lying in the car and fastened it around the neck of the complainant and tried to strangle the complainant. At that time the applicant was driving the said car. Near Paradigam building the complainant was successful in opening the door of the said car and tried to shout for help of the people in the vicinity. At that time the applicant was driving the said car. Subsequently the complainant managed to jump out from the said car. He lodged the first information report. After lodgment of the first information report with police conducted the investigation and after completion of investigation submitted the charge sheet in the Court of competent jurisdiction.

3) The evidence on record reveals that co-accused

Sohail Khan was trying to commit the murder of the complainant by the use of the said wire. The applicant despite viewing the same continued to drive the said car and did not even try to stop the Sohail Khan from committing the said offence. It is to be noted here that the evidence further reveals that after the complainant opened the door of the said car and gave call to the people in the vicinity for help even at the time the applicant did not stop the said car. It prima facie appears that the applicant was sharing common intention with accused No.2 Sohail while committing the present offence.

4) In view of the above, I find that this is not a fit case to release the applicant on bail. Application is accordingly dismissed.

(A.S.GADKARI, J.)