

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1578 OF 2015

Mr. Mohd. Ibbal Shafi Khokar. ..Applicant.

vs.

The State of Maharashtra and anr. ..Respondents.

Mr. S.S.Gandhi i/by V. Jabra for the Applicant.

Mrs. Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 3rd February 2016.

PC:

The applicant is seeking bail in CR No.9/2015 registered with Ville Parle Police Station, Mumbai, now transferred to DCB CID Unit 8, Mumbai.

It is the prosecution case that the complainant Mr. Raju Mahajan was working with Security Trans India Ltd. The said company undertakes the work of loading cash in the ATM Machines of various banks. That, on 16.1.2016 the cash Van was proceeding from Western Express Highway. There were two guards in the said cash van and Mr. Dharmesh Pedamkar was also in the said car as Junior Custodian. That the accused persons including the driver of the said cash van gave stupefying substance with tea to Dharmesh Pedamkar. Because of the same Shri. Pedamkar lost his conscious. At that time one Maruti Zen car over took the cash van and the accused committed the robbery of more than Rs.1.95 lacs. In the premise, the first information report is lodged. After completion of the investigation the police have filed the charge sheet.

2) Heard the learned counsel for the Applicant and the learned APP and also perused the charge sheet.

3) The only circumstance as against the present applicant is that at his instance a cash of Rs.1.00 lac was recovered from his room. It appears from the recovery panchanama that two bundles of 500 Rupees currency notes have been recovered at the instance of the applicant. It is to be noted here that there is no evidence on record to show that the said bundles were part of the amount looted from the said cash van. There are no antecedents at the discredit of the applicant. In view of the above, I am of the opinion that the applicant has made out a case for bail.

Hence, the following order.

ORDER

- a) The applicant be released on bail in CR No.9/2015 registered with Vileparle Police Station. Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) After release from Jail the applicant shall attend the office of the DCB CID Unit 8 on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.
- c) The applicant shall also furnish proof of his residence to the office of the DCB CID Unit 8 and also to the trial court.
- d) The applicant shall not tamper with evidence and or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)