

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

BAIL APPLICATION NO.231 OF 2017

Shyam @ Tannu Rajkumar Tiwari Applicant

versus

State of Maharashtra ... Respondent

.....

- Mr.Arvind Tiwari, Advocate for the Applicant.
- Mr.M.G. Patil, APP for the State/Respondent.
- PSI Anandrao D. Pingale, V.B. Nagar Police Station, Kurla (W).

CORAM : A.S.GADKARI, J.
DATE : 27th APRIL, 2017.

P.C. :

1. This is an application u/s 439 of Cr.P.C. for bail in C.R.No.226/16 dated 22/09/2016 of Vinoba Bhave Police Station, Kurla, Mumbai, for the offence punishable u/s 399, 402 of the Indian Penal Code and 4, 27 of the Arms Act r/w 37(1), 135 of Bombay Police Act.

2. It is the case of prosecution that the police received secret information that certain persons had gathered at particular stop and were intending to commit dacoity on

Prakash Jewellers, situated at Bail Bazar, Kurla, Mumbai. The police accordingly laid trap and arrested applicant alongwith other accused persons on the spot. During the search the police recovered iron chopper from the person of the applicant. After completion of the investigation, police have submitted charge-sheet.

3. The learned APP submitted that the applicant is also involved in Crime No.104/15 registered with Amboli Police Station u/s 392, 323, 504 r/w 34 of the Indian Penal Code. The record reveals that when the applicant was on bail in this crime, he has committed the present crime. The learned APP has submitted that if the applicant is released on bail, he may further indulge in the similar type of crime.

4. According to me, the apprehension expressed by the learned APP has substance in it. In view thereof, the applicant does not deserve to be released on bail. The application is accordingly rejected.

(A.S.GADKARI, J.)