

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 363 OF 2017

Naseem Mubin Khan	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Shafaqat R. Shaikh a/w. Mr. Farooq A. Chowdhary, Advocate for the applicant.

Mr. Sooraj S. Hulke, APP for the State.

Mr. B.M. Raikar, A.P.I., Kalamboli Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **13th February, 2017.**

P.C.:

This Application is moved by the applicant/accused for bail under section 439 of Cr. P.C., as he is facing prosecution for the offences punishable under sections 399 and 402 of the Indian Penal Code and under sections 37(1) and 135 of Maharashtra Police Act in C.R. No. I-54 of 2016 registered with Kalamboli Police Station. The offence is registered at the instance of the Haridas Ananda Karde, P.C. No. 2852 of Kalamboli Police Station, Navi Mumbai.

2. It is the case of the prosecution that when the complainant along with his senior and other police were on duty, they received information that some persons are going to loot one Kalamboli Marble Market Godown and, therefore, the complainant along with other police went there and laid trap for around 2 to 3 hours on 3rd April, 2016. At that time, one tempo arrived a metrocity shop and complainant heard the persons in the tempo

talking about committing dacoity in that shop. Thereafter the police apprehended some of the accused, however one accused ran away. The police arrested the applicant/accused and other co-accused. Hence this Bail Application.

3. The learned counsel for the applicant/accused has submitted that nothing was recovered from the applicant/accused. The applicant/accused and co-accused were arrested for making preparation of dacoity. No actual offence was committed by the applicant/accused. Moreover, the applicant/accused does not have criminal antecedents.

4. Learned APP opposed this Application, however, confirmed that there are no criminal antecedents against the applicant/accused.

5. Perused the FIR, statements of the witnesses and the documents placed before me. In view of the submissions of the learned counsel for the applicant/accused and learned APP and considering the offence for which the applicant/accused is charged, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.25,000/- with one or two local sureties in

the like amount;

- (iii) The applicant shall attend all the Court dates.
- (iv) The applicant shall not indulge into any criminal activity while on bail;
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his residential address as well as native place address to the Investigating Officer alongwith documentary proof of his address;
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)