

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 468 OF 2017**

Sushil Anurath Hinge

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Naima Shaikh i/b Mr. Khan Abdul Wahab for the Applicant

Mr. Ajay S. Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 24th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 268 of 2016 registered with the Juhu Police Station, Mumbai, for the alleged offences punishable under Sections 452, 342, 392, 120-B, 34, 395, 397, 450, 506(II) of the Indian Penal Code; under Sections 37(1)(i) r/w 135 of the Mumbai Police Act; under Sections 3, 25 of the Arms Act.
3. Learned Counsel for the applicant submits that the applicant was not present at the spot when the alleged incident took place. She

submits that according to the prosecution, the applicant was handed over gold jewellery by the main accused, which he sold to, two jewellers. She submits that there is also an allegation, that the applicant was handed over a pistol, by the main accused for destroying the same. She submits that the applicant has no antecedents.

4. Learned A.P.P does not dispute the aforesaid.

5. Perused the papers. The incident took place on 25th April, 2016 and the applicant was arrested on 13th July, 2016. It appears that the applicant is not alleged to have been present at the spot, when the incident took place. The allegation *qua* the applicant is that he was part of the conspiracy and that the main accused handed over the gold jewellery to the applicant, for selling the same. It appears that pursuant thereto, the applicant sold the gold jewellery to two jewellers and that there are statements to that effect. It is also the prosecution case, that the main accused handed over a pistol to the applicant for destroying the same, however, the same was recovered, at the instance of the applicant. It appears that the applicant was not present at the spot when the incident

took place. The applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 noon, till the framing of charge;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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;

(v) The applicant to cooperate with the conduct of the trial and shall attend the trial on every date of hearing.

7. The application 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.