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

CRIMINAL BAIL APPLICATION NO.2612 OF 2016

Fakir Mohammad @Samir Mukhtar Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.534 OF 2017***

Pratik Ashok Mohite	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Sandeep R. Mishra, for the Applicant in BA No.2612 of 2016

Mr.S.G.Rajput, for the Applicant in BA No.534 of 2017.

Ms.Veera Shinde, A.P.P for the Respondent-State

ASI – V.H.Arekar, BKC Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.166 of 2016 registered with the B.K.C. Police Station, Pune for the alleged offences punishable under Sections 392, 363, 170 r/w 34 of the Indian Penal Code. It appears that subsequently Sections 395 and 120B of the Indian Penal Code were applied.
3. Learned Counsel for the applicant-Pratik Ashok Mohite submitted that the applicant has been falsely implicated in the aforesaid case. He submitted that although the applicant was arrested on 30th July, 2016, there is a delay of 1 month in conducting the test identification parade. He submitted that out of the 7 witnesses, only 1 witness has identified the applicant. He further submitted that the applicant has no antecedents.

4. Learned Counsel for the applicant-Fakir Mohammad @Samir Mukhtar Shaikh submitted that the allegation as against the applicant, that he hired the car on rental basis is baseless. He submitted that although the complainant has identified the applicant in the identification parade, the same has been held belated inasmuch as, there is a delay of 1 month. He further submitted that the applicant has no antecedents.

5. Learned APP opposed the applications.

6. Perused the papers. The incident took place on 19th July, 2016. According to the complainant-Kishore G. Raghuvanshi, he was travelling in his Innova Car, when a Xylo Car obstructed his Innova Car. He has alleged that the occupants of the Xylo Car introduced themselves as police officers and asked him and others in the car to come with them to Thane. He has alleged that there were 6 persons and that the said persons took a 41 carat stone, valued at Rs.5 crores and cash of Rs.11,000/-. He has stated that thereafter the complainant and others were dropped to different places, pursuant to which, the complainant-Kishore filed the aforesaid complaint. Both the applicants have been identified in the identification parade, which

was held on 3rd September, 2016, by 1 witness each. The complainant has identified the applicant-Fakir Mohammad @Samir Mukhtar Shaikh and Manoj Raghuvanshi has identified the applicant- Pratik Ashok Mohite in the identification parade. It appears that the applicant-Pratik Ashok Mohite who was driving the car and had identified himself, as the Constable of Crime Branch, whereas the applicant- Fakir Mohammad had identified himself, as the Police Inspector of Crime Branch. It appears that all the accused misrepresented themselves as police officers and thereafter compelled the complainant and others to accompany them and took a 41 carat stone valued at Rs.5 crores and cash of Rs.11,000/- from the complainant.

7. Considering the material on record, this is not a fit case to enlarge the applicants on bail.

8. Hence, both the Applications for bail are rejected and disposed of as such. However, the trial of the applicants is expedited.

9. It is made clear that the observations made herein are prima facie for deciding these applications, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)