

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL BAIL APPLICATION NO. 990 OF 2017****Dilshad Mohammad Nadaf****..... Applicant****VERSUS****The State of Maharashtra****..... Respondent**

Mr. Umesh R. Mankapure for the Applicant.

Mr. Deepak Thakare A.P.P. for the State.

CORAM : T.V.NALAWADE, J.**DATE : 7th AUGUST, 2017****P.C.**

The application is filed for bail in C.R.No. 116 of 2015 registered in Sanjay Nagar Police Station, District Sangli for offences punishable under sections 302, 212, 364, 364(a), 118 read with 120B of Indian Penal Code as well as under sections 3(25), 4(25) of Arms Act and under the provisions of MCOC Act. The charge-sheet is also filed in the said crime against the present applicant, her husband and other accused. Both the sides are heard.

2. The case is filed on the basis of the report given by the widow of the deceased. She has made allegation that her husband was finished by the husband of the present applicant as the demand of money made by the husband of the applicant. Mr. Mohammad Nadaf was not met with by the deceased. The papers of investigation were made available including the statements of the witnesses recorded under the provisions of the aforesaid special enactment. There is material like the collection of weapons by the deceased and his associates and by using them in the crime on actual incident also, there is material. The provisions of MCOC Act are used as Mr. Mohammad Nadaf is history sheeter and right from the year 2003, many offences were committed by him. As many as 30 crimes were

registered against him and in almost all the crimes making money was the object behind the crimes.

3. Learned counsel for the present applicant submitted that only because she is wife of the main accused Mr.Mohammad Nadaf, she is made accused and there is no virtually no material to show that she was active member of the gang if any, was prepared by Mr.Mohammad Nadaf. This submission has no force. The material collected shows that few days prior to the commission of the offence of the present murder, the present applicant had collected as many as 6 sim cards in her name. These sim cards were used by the husband at the time of commission of the present offence. There are statements of the witnesses showing that the present applicant not only knew the activities of her husband Mr.Mohammad Nadaf but she was actively participating in the activities of husband and there was participation in the last offence. She purchased the sim cards and further right from beginning till the end. She assisted the husband. Mr.Mohammad Nadaf absconded after commission of the crime. She was involved and she had virtually insisted the associates of Mr.Mohammad Nadaf and also Mr.Mohammad Nadaf to finish Manya Mane. She used go give threats to others as her husband was a gangster.

4. In view of these circumstances, this court holds that there is sufficient material against the applicant to hold that she was a member of gang which was formed by her husband. In view of the bar created by the provisions of the special enactment to grant bail and due to presence of this material, this court holds that the application cannot be allowed. In the result, the application stands rejected.

(T.V.NALAWADE, J.)