

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1417 OF 2017**

Sirajali Malangali Jafari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Viresh V. Purwant for the Applicant

Ms. J. S. Lohokare, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st 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. 140 of 2017 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable under Sections 397, 506(II), 34 of the Indian Penal Code and under Section 37(1)(A) r/w Section 135 of the Bombay Police Act.
3. Learned Counsel for the applicant states that the investigation is complete and charge-sheet is filed. He submits that the applicant is in

custody since 23rd February, 2017 and that this is the first offence of the applicant.

4. Learned A.P.P opposed the application. She submits that the applicant was apprehended on the spot and that the gold chain of the complainant was found in his possession. She submits that there is an antecedent *qua* the applicant i.e. a case is registered against him under Section 420 of the Indian Penal Code.

5. Perused the papers. According to the complainant-Smt. Kusumben Chimanlal Tailor, the incident took place on 23rd February, 2017 at about 11:35 a.m., when she was returning home after purchasing vegetables from the market. She has alleged that when she was near the Corporation Hospital, one person came near her and called her, however, she did not respond to her call. She has stated that again some persons came and asked her to stop and all of them told her that police checking was going on ahead, and hence, she should remove her gold chain, which was on her person. She has stated that when she refused to hand over her gold chain, the accused took out a knife, placed it on her neck, threatened

her and demanded the chain. The applicant is alleged to have snatched the complainant's chain worth Rs. 40,000/-. Thereafter, the accused tried to flee from the spot, however, were apprehended by the mob. The gold chain of the complainant was found in possession of the applicant. The possibility of the applicant threatening the complainant/witnesses, cannot be ruled out.

6. Considering the *prima facie* material against the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, the trial of the applicant is expedited.

7. 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.

REVATI MOHITE DERE, J.