

Anand

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

BAIL APPLICATION NO.1472 OF 2017

Saif alias Model Miraj Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Ruby Shaikh i/b. Mr.M.I.Shaikh, Advocate, for the Applicant
Mr.V.V.Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-284 of 2016 registered with the Deonar Police Station, Mumbai, for the alleged offences punishable under Sections 397, 392 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that co-accused – Shadab Haider Mehndi has been enlarged on bail by this Court (Coram : Prakash D. Naik, J.) vide Order dated 07.07.2017. She submits that although the Applicant is alleged to have placed a knife on the

Complainant's neck, the Complainant has received no injuries. She submits that investigation is complete and charge-sheet is filed. She further submits that the Applicant has no antecedents.

4. Learned APP opposes the Application. He, however, does not dispute the fact that the Applicant has no antecedents.

5. Perused the papers. On 06.12.2016 when the Complainant and his sister had gone to Biroba Mandir, Bhimwadi, Govandi, Mumbai and were returning home, it is alleged that four unknown persons followed them. It is alleged that one of them (Applicant) put a knife on the Complainant's neck and threatened him and another person snatched cash of Rs.1,000/- from the Complainant's pocket. The third person is alleged to have snatched the Complainant's sister's purse and the fourth person is alleged to have given a dash to the Complainant's sister. After the incident, the persons tried to flee, however, the Complainant held the person who had snatched the purse. Pursuant thereto, the aforesaid FIR was lodged. Co-accused - Shadab Haider Mehndi has been enlarged on bail. The Applicant is in custody since December, 2016 and that investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & 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 report to the investigating officer of the concerned police station on the **1st Saturday of every month** between **11.00 a.m. to 1.00 p.m.** 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 immediately after being released 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 in the conduct of the trial.

7. The Application is allowed in the aforesaid terms and 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)