

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1839 OF 2017

Zaheeruddin Mohd. Khan ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

....

Mr.Anil G. Lalla with Mr.Sunil Ghadge and Ms.Beerta H.Bajwa i/b.
Lalla & Lalla, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 6th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.90 of 2017 for offences punishable under Sections 395, 394, 341, 452, 506(2), 504, 120B read with Section 34 of the Indian Penal Code registered with V.P.Marg Police Station, Mumbai, by this application, is seeking his release on bail during pendency of the trial.

2 The learned Advocate appearing for the applicant submitted that the applicant is not having criminal antecedents and applicability of Section 397 of the Indian Penal Code is seriously debatable. A blade cannot be termed as a 'deadly

weapon'. There is discrepancies in the evidence of the prosecution and the FIR lodged after apprehending one of the persons involved in the incident does not show the name of any person.

3 The learned Additional Public Prosecutor opposed the application.

4 According to the prosecution case, the First Informant was present at his shop – 'Abhay Steel', Wilson Street, Mumbai along with his brother and other persons. Two accused persons came there and on the pretext of purchasing 2 mm. steel, indulged in robbing the members of the prosecuting party. The First Informant was tied to a chair and was threatened by a blade. Ultimately, members of the prosecuting party were robbed of Rs.1,00,000/- in cash apart from their cellphones. The applicant/accused is apprehended on the spot along with the looted amount.

5 In this view of the matter, no case for grant of bail is made out. The question so raised and argued will have to be considered at the time of trial.

6 The application is, therefore, rejected.

(A.M.BADAR J.)