

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1958 OF 2017

Mohd.Ali Mohd.Navshad Mansuri @ Ansari ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Mateen A.R.Shaikh for the applicant.
Ms.A.A.Takalkar, APP for the Respondent/State.

CORAM: A.M. BADAR, J.
DATED: 29th NOVEMBER 2017

PC:-

1. The applicant/accused in crime No.I-163 of 2016 registered with police station Nizampura for the offences punishable under Sections 395,382 and 341 r/w 34 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned advocate for the applicant as well as the learned APP. In submissions of the learned advocate appearing for the applicant, the applicant was claimed as a labour by the co-accused and he was oblivious of the fact that the co-accused were involved in robbery. The learned APP

opposed the application by contending that there was robbery at the godown and the articles worth Rs. 3,50,000/- were looted.

3. I have carefully considered the rival submissions and also perused the charge-sheet. It is seen that the co-accused Sagar was working in the godown from which articles were robbed. Co-accused Ajay is his brother. The prosecution case as reflected from the charge-sheet is to the effect that these two accused persons visited the godown and the guard present namely, Ganesh Harijan opened the godown . Thereafter, with the help of the present applicant, 25 bundles of cotton were looted in the tempo and that is how, the robbery took place.

4. Considering the fact that the present applicant had accompanied main accused, one of whom was working in the godown, further pre-trial detention of the present applicant is not warranted. Prima facie, it appears that he had

accompanied the accused, who was in fact working in the said godown. In this view of the matter, the following order:-

ORDER

- i) The application is allowed.
- ii) The applicant/accused in crime No.I-163 of 2016 registered with police station Nizampura for the offences punishable under Sections 395, 382 and 341 r/w 34 of the Indian Penal Code, be released on bail on executing his PR bond of Rs. 15,000/- and on furnishing surety in the like amount.
- iii) He should not tamper with the prosecution evidence.
- iv) In addition to this the applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.
- v) The application is disposed of accordingly.

(A.M. BADAR, J)