

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1956 OF 2016

Altaf Ahmed Abdul Rauf Sayyed ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Rajiv patil, Senior Counsel i/b. Mr. Tanmay R. Vispute, Advocate for the applicant.

Ms. R.M.Gadhvi, APP, for the State.

Mr. Kakade, PI, Vashi Police Station, Navi Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 5th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 25.12.2015 in Crime No.584 of 2015 registered at Vashi Police Station on 20.12.2015. The investigation is completed and charge sheet is filed against the accused for the offences punishable under Sections 395, 363, 170, 506, 120B read with Section 34 of the Indian Penal Code and under Section 3 of the Indian Arms Act.

2. It is the case of the prosecution that on 20.12.2015, one Mohammed Salim Abdul Kadir Badshah Kajiya, original resident of

Bhatkal, District Karwar, Karnataka lodged a report at the police station. On 18.12.2015, he had been to Mumbai for his personal work. On 19.12.2015, his son had telephonically informed him to take Rs.1 crore from uncle (Kamlesh Joshi). He had been to Ahmedabad. He had taken Rs. 1 crore from Kamlesh Joshi and thereafter had proceeded to travel via Canara Pentu Travels back to his village Bhatkal. According to him, at about 3.15 p.m., in the intervening night of 19th December and 20th December 2015, the bus was stopped by one Scorpio Jeep. That the persons who alighted from Scorpio Jeep had informed that they are officers of a Crime Branch. They accosted the first informant, asked him to alight from the bus. Thereafter, he was asked to board the Scorpio Jeep. He was taken to places and thereafter one of the persons had brandished his revolver, threatened the first informant and had taken away the bag containing Rs.1 crore. On the basis of the report, Crime No.584 was registered against unknown persons. In the course of investigation, there was a house search of the present applicant who happens to be the native resident of village Bhatkal. According to the prosecution, Rs.15 lakhs were seized from his house at his behest and Rs.5 lakhs at the behest of his mother.

3. The learned APP fairly submits that as on today, there is no incriminating material to indicate that the present applicant is involved in the said offence as he was not present at the scene of offence. According to the prosecution, the applicant was aware of the fact that the first informant is carrying a huge amount of Rs.1 crore and had given a tip to some of the persons who had posed as Police officers and had taken away the amount which was being carried by the first informant. The applicant was not subjected to test identification parade as he was not present at the scene of offence.

4. Taking into consideration the papers of investigation and the material placed on record, this Court is of the opinion that the applicant deserves to be enlarged on bail.

5. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.1,00,000/- (Rupees one lakh) and one or more local solvent sureties in the like amount.

(iii) The applicant shall report to the Vashi Police Station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)