

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2184 OF 2017

AJAZALI IMAMALI CHAUDHARY)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Arjun Lingalod, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 8th NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.628 of 2016
registered with Wadala T.T. Police Station, for offences punishable
under Sections 399 and 402 of the Indian Penal Code (IPC) as
well as under Sections 4 and 25 of the Indian Arms Act and under
Section 37 and 135 of the Maharashtra Police Act, by this
application, is seeking his release on bail, after filing of charge-
sheet.

2 Heard the learned advocate appearing for the applicant / accused as well as the learned APP. The learned APP argued that there was no reason for the applicant / accused and the co-accused to assemble at a particular place in the midnight and though the applicant / accused was found to be possessing a nylon rope, the co-accused were found with deadly weapons.

3 I have carefully considered the rival submissions and also perused the charge-sheet. The incident in question allegedly took place in the night intervening 29th and 30th December 2016. The Police Officer received an information that during night hours, wanted accused Shehzada along with his associates is intending to commit dacoity at Mahanagar Gas Pump. Hence, the police team formed a group and apprehended wanted accused Shehzada along with his associates. The applicant / accused is stated to be found in possession of a nylon rope.

4 Investigation of the crime in question is over. The charge-sheet does not indicate that the applicant / accused is

having any criminal antecedents. Considering the nature of offence and the fact that the investigation is over, and the applicant / accused was only found to be possessing a nylon rope, his further pre-trial detention is not warranted. Therefore the order :

ORDER

- i) The application is allowed.
- ii) The applicant / accused in Crime No.628 of 2016 registered with Wadala T.T. Police Station, for offences punishable under Sections 399 and 402 of the IPC as well as under Sections 4 and 25 of the Indian Arms Act and under Section 37 and 135 of the Maharashtra Police Act, is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- iii) 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.

- iv) The applicant / accused should not contact the prosecution witnesses.
- v) The application is accordingly disposed of.

(A. M. BADAR, J.)