

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2396 OF 2017

Aalim Hirue Shah & Ors. ... **Applicants**

V/s.

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

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Mr.Kedar Patil with Mr.Yogesh Gangar, Advocate for the Applicants.

Ms.P.N.Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 16th NOVEMBER 2017.

P.C. :

1 Applicants herein are accused in Crime No.I-140 of 2017 for the offences punishable under Sections 399 and 402 of the Indian Penal Code registered at Shil-Daighar Police Station, Thane. By this application, they are seeking their release on bail after filing of the charge-sheet.

2 Heard the learned Advocate appearing for the applicants/accused and the learned Additional Public Prosecutor appearing for the respondent/State.

3 The learned Additional Public Prosecutor opposed the application by submitting that applicant Nos.2 and 4 are having

criminal antecedents and, therefore, they are not entitled to be released on bail.

4 The FIR of the crime in question is registered at the instance of Police Head Constable Dilip Tadvī. He had received information from his informant that accused persons are assembling for the purpose of committing dacoity after committing preparation for commission of dacoity. On the basis of this secrete information, team of police personnel reached the spot where they apprehended that there shall be an attempt to commit dacoity. The FIR further reveals that when the police had taken position to nab the culprits, a tempo came on the spot, where trucks and containers were parked. Few people alighted from the tempo and at that time itself, those persons were encircled and apprehended by police. It is then shown that some recoveries are effected from apprehended persons, which, according to the prosecution case, are instruments for committing dacoity.

5 Investigation of the crime in question is over. When the raid was on the basis of secrete information, strangely police personnel apprehended the culprits, who were near the containers without allowing them to commit any overt act. Some criminal antecedents of few of the applicants does not preclude them from enjoying liberty and care of such antecedents can be taken by imposing necessary conditions.

6 In the result, I see no reason to deny bail to the applicants. Therefore, the Order :

- (i) The application is allowed.
- (ii) The applicants/accused in Crime No.I-140 of 2017 for the offences punishable under Sections 399 and 402 of the Indian Penal Code registered at Shil-Daighar Police Station, Thane, are directed to be released on bail on their executing P.R. Bond in the sum of Rs.15,000/- each and on furnishing surety in the like amount by each of them.
- (iii) As a condition of this Order, the applicants shall not tamper with the prosecution evidence.
- (iv) The applicant / accused should not commit any offence in future.
- (v) The applicants/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.

(A.M.BADAR J.)