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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.156 OF 2018

Nabhir Lukman Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Mohsin Khan Latif Khan Pathan, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

P/N-1743 – Topale, ANC Crime Branch, Thane City.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2018

P.C.:

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-143 of 2017 registered with the Kasarvadavli Police Station, Thane, for the alleged offences punishable under Sections 399, 401, 457 of the Indian Penal Code and under Sections 3, 25 of the Arms Act and under Sections 37(1) 135 of the Bombay Police Act.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submitted that identically placed co-accused – Barkat Aabil Shaikh, has been enlarged on bail by this Court vide order dated 12th March, 2018, passed in Bail Application No.2788 of 2017.

4. Learned APP does not dispute the aforesaid.

5. Perused the charge-sheet. According to the prosecution, the complainant received a secret information on 21st July, 2017, that one Sakim Shaikh alongwith 8 to 10 of his associates were planning to rob the Bank of Maharashtra, Kasarvadavli Branch on 22nd July, 2017, pursuant to which a trap was laid and four persons were arrested on the spot. At the spot, police found a country made pistol, oxygen cylinder, gas cylinder, regulator and gas cutter. It is alleged by the prosecution that the gas cylinder, regulator, oxygen cylinder and gas cutter were supplied by the applicant. However, *prima facie*, there is no material to suggest/show that the applicant had supplied the aforesaid material to any of the co-accused. Infact, the statement of the owner of the Agency – Devram Jalora, from where the gas cylinder and oxygen cylinder was purchased shows that it

was Saifuddin Shaikh who had purchased the said articles from the shop. According to the learned APP, Nabhir Lukman Shaikh (applicant) and Barkat were arrested separately on 22nd July, 2017, on suspicion. There is no recovery, at the instance of the applicant nor was he found in possession of any articles. He was not present at the spot nor was in the car, intercepted by the Ghoti Police. Investigation is complete and charge-sheet is filed. It is informed that the applicant has one antecedent.

6. Be that as it may, considering the material on record, qua the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

- iii) The Applicant shall not leave Mumbai and Thane City, without the prior permission of the Trial Court;
- iv) The Applicant shall not tamper with the evidence or attempt to contact, influence the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)