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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.659 OF 2018

Hashim Ali Ashik Ali Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Jilajit Sharma, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

P.I. - Nandkumar Gopale, Khar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 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.321 of 2017 registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Sections 395, 397, 341, 452 r/w 34, of the Indian Penal Code.

3. Perused the charge-sheet. According to the complainant, the incident took place on 31st August, 2017 at about 6.30 to 7.30 p.m. According to the complainant-Kaushalya Gurbani, at around 6.30 p.m, the door bell of her house rang, pursuant to which, her maid servant opened the door. It is alleged that two unknown persons entered the house alongwith her maid servant. It is alleged by the complainant that the said two unknown persons came towards her, pushed her and threatened her to keep quiet. Thereafter, they stuck a tape on her mouth and pulled her towards the locker room and that one person, put a gun on her neck and forced her to open the locker and thereafter took jewellery worth Rs.7,90,000/- from the locker. According to the prosecution, the applicant was standing at the gate of the building and guarding the place, when the co-accused had entered the building. The applicant has been identified in the identification parade by the two watchmen of the building. It appears that after the incident, the applicant fled from the spot, with the other co-accused. There is recovery of a toy gun and Rs.30,000/-, at the instance of the applicant. It appears that the accused committed dacoity in the complainant's house and fled with ornaments worth Rs.7,90,000/- and cash of Rs.25 to Rs.30 lakhs.

4. Considering the *prima* facie material as against the applicant, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the application for bail is rejected and disposed of a s such. However, the trial of the applicant is expedited.

6. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)