

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

**BAIL APPLICATION NO. 1789 OF 2018**

Mohammed Manarul Rahul Shaikh ... Applicant  
Vs.  
State of Maharashtra ... Respondent

**WITH  
BAIL APPLICATION NO. 1987 OF 2018**

Shahjamal Fajalu Shaikh ... Applicant  
Vs.  
State of Maharashtra ... Respondent

...

Mr. Yashwardhan Tiwari I/by Ms Mamta S. Karde for the applicant  
in both.

Mrs. G.P. Mulekar, APP for the Respondent-State in both.

...

**CORAM : PRAKASH D. NAIK, J.  
DATE : 29<sup>th</sup> AUGUST, 2018.**

**P.C.**

1. These are applications for bail in connection with CR No. 143 of 2017 registered with Kasardavali Police Station for offences punishable under Sections 399, 401, 457 of Indian Penal Code read with Section 3, 25 of Arms Act read with Section 37(1), 135 of Maharashtra Police Act.

2. The prosecution case is that the accused were acting in collusion with each other had planned to commit dacoity with

intention to commit theft of cash and gold from Bank of Maharashtra, Kasarwadavali. To facilitate dacoity, accused broke the lock of adjacent shop of Raj Motor Driving School and entered in the shop and tried to demolish wall of bank with articles carried by them. At that time police reached on the spot and arrested the accused. The police allegedly seized iron Katawani from accused. Other articles were also seized from arrested accused.

3. Applicants were arrested on 22<sup>nd</sup> July, 2017. The investigation is completed and the chargesheet has been filed. This Court has granted bail to the accused Barkat Aabil Shaikh vide Criminal Bail Application No. 2788 of 2017 vide order dated 12<sup>th</sup> March, 2018. The other accused namely Rejaul Akbar Shaikh granted bail by this Court vide Criminal Bail Application No. 2745 of 2017. While granting bail to co accused Rejaul Akbar Shaikh vide order dated 28<sup>th</sup> June, 2018, it was observed that chargesheet is filed and the said accused is in custody from 22<sup>nd</sup> July, 2017.

4. It is submitted that applicants are in custody from 22<sup>nd</sup> July, 2017. Investigation is completed. Chargesheet is filed. Co-accused are granted bail.

5. Learned APP submitted that the applicants were found at the spot at the time of incident. The accused were intended to commit

dacoity in the bank. In pursuant to plan, the accused broke the lock of Raj Motor Driving School and tried to enter into the bank and broke the wall in furtherance of common intention to commit the offence, however, the police reached the spot and plan of the accused was foiled.

6. The statement of owner of Gas Agency indicate that gas cylinder and oxygen cylinder were purchased by one Saifuddin Shaikh. Barkat Ali Shaikh was granted bail on 12<sup>th</sup> March, 2018. Nabir Shaikh was granted bail by this Court on 21<sup>st</sup> March, 2018. Accused Rejual was granted bail by this Court on 28<sup>th</sup> June, 2018. Preparation to commit dacoity is punishable with maximum punishment of 10 years. The applicants are in custody for about one year. Chargesheet is filed. Considering the aforesaid circumstances, the applicants can be granted bail on certain conditions.

### **ORDER**

- i) Criminal Bail Application No. 1789 of 2018 and Criminal Bail Application No. 1987 of 2018 are allowed;
- ii) The applicants are directed to be released on bail in connection with C.R. No. I-143 of 2017 registered with Kasarvadavali Police Station, Thane on furnishing P.R. Bond of

Rs.25,000/- each with one or two solvent local in the like amount;

iii) The applicants shall attend Kasarvadavali Police Station on every first Monday of the month between 11.00 a.m and 1.00 p.m till the conclusion of the trial;

iv) The applicants shall attend all the dates before the Trial Court unless precluded for any reason;

v) Applicants shall not leave jurisdiction of this Court without permission of this Court;

vi) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses;

vii) Applications are disposed off.

Sachidanand  
Kuttan Nair  
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by Sachidanand  
Kuttan Nair  
Date:  
2018.09.01  
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( PRAKASH D. NAIK, J. )