

Anand

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

BAIL APPLICATION NO. 1854 OF 2017

Mohammed Irfan Mohammed Munir .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Yasmeen Ansari, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-129 of 2017 registered with the Waliv Police Station, Mumbai, for the alleged offences punishable under Sections 394, 341 & 343 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Rambabu Harilal Yadav, the driver of the truck, he was travelling from Mangalore (Karnataka) to Hyderabad, with supari loaded in the truck. He has stated that on 07.03.2017, he stopped at the hotel, where he met

the Applicant i. e. Mohammed Munir. He has stated that Mohammed Munir (Applicant) asked him to drop him at Ahmedabad, pursuant to which, he gave him a lift. He has further stated that on the way Mohammed Munir (Applicant) asked him to stop the truck near village Palghar, on some pretext. He has stated that soon thereafter, when the truck left, a Scorpio jeep overtook the truck and compelled him to stop. He has further stated that persons from the Scorpio jeep started quarreling with him, pursuant to which, he got down from the vehicle; that the said persons compelled him to sit in the Scorpio jeep; assaulted him; robbed him of his mobile and cash; and thereafter, took him to a nearby jungle of Padgha village, disrobed him and left him on the road. When the Complainant went to the spot, he found the truck missing. Thereafter, the Complainant informed the owner of the truck and lodged a complaint. As far as the Applicant is concerned, the Applicant is alleged to have kidnapped the Complainant, assaulted him and thereafter, robbed the truck alongwith the goods (supari) worth Rs. 60,00,000/-. The truck with 'supari' has been recovered at the instance of the Applicant. The Applicant has been identified in the Test Identification Parade by the Complainant. The Applicant has six antecedents as against him which are as under :-

Sr. No.	Police Station	C. R. No.	Sections
1	Vadala T. T. Police Station	46 / 2012	379 r/w 34
2	Vadala T. T. Police Station	48 / 2012	379 r/w 34
3	Vadala T. T. Police Station	122 / 2012	379
4	Khar Police Station	88 / 2012	379
5	Tilaknagar Police Station	288 / 2012	379 r/w 34
6	Bandra Police Station	06/01/13	379 r/w 34

4. Considering the prima facie material as against the Applicant, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)