

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

BAIL APPLICATION NO. 1915 OF 2017

Sarfraj Khan @ Sonu Amir Hasan Khan ... **Applicant**

V/s.

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

Mr. Manoj Mohite a/w Geetika Naresh Rajpal i/b Dilip Shukla for the Applicant.
Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 8th JANUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.PC. for bail in C.R. No. I-14/2015 dated 25.10.2015 registered with Arnala Police Station, Vasai under Sections 395 and 342 of the Indian Penal Code and Sections 3 and 25 of the Arms Act.

2 It is the prosecution case that the Applicant along with other accused persons, under the pretext of delivering the parcel(Courier) to the first informant Smt. Nisha Lonkar forcibly entered into her premises, pointed out a pistol to her and committed robbery of the valuables i.e. her purse from the premises and fled away from the scene of offence. The said incident has taken place on 23.01.2015. During the course of investigation, the Applicant came to be arrested on 13.02.2017 and after completion of investigation, the police have submitted charge-sheet.

3 Perused the charge-sheet.

It appears that during the course of Test Identification Parade, the first informant Smt. Nisha Lonkar has identified dummy person as the Applicant. It therefore, creates doubt in the mind of this Court about the presence of the Applicant at the scene of offence. In view thereof, the Applicant can be released on bail.

Hence, the following order:

i) The Applicant be released on bail in C.R. No. I-14/2015 dated 25.10.2015 registered with Arnala Police Station, Vasai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend Arnala Police Station once in month i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m. till the conclusion of Trial.

iii) The Applicant shall also attend all dates before the Trial Court.

iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

v) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)