

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

BAIL APPLICATION NO. 2297 OF 2018

Shaikh Saeed Shaikh Majeed ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Mahendra Sandhyanshiv for the Applicant.

Ms. J.S.Lohokare, APP for the State.

Mr. K.P.Chaudhari, PSI, Chandwad Police Station, Nashik Rural,
present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who has been arrested in C.R.No. I-89 of 2018 registered with Chandwad Police Station, Nashik for the offences under Section 399 and 402 of IPC, and Section 3 and 4 r/w. 25 of the Indian Arms Act.
2. Heard Mr. Sandhyanshiv, the learned Counsel for the applicant and Ms. Lohokare, the learned APP for the State.
3. I have perused the records and considered the submissions

advanced by the learned Counsels for the respective parties.

4. The aforesaid crime came to be registered pursuant to the FIR dated 19th May, 2018 lodged by Sanjay Kashinath Gosavi, Police Hawaldar. A perusal of the FIR prima facie indicates that on 19th May, 2018 while the first informant was on duty, he had received information that about 7-8 persons who were planning to commit dacoity were traveling by a vehicle from Malegaon towards Nashik. He secured presence of panchas and with the assistance of other police personnel, stopped the pickup bearing No. MH-46/AP-0109. They found five persons, including the applicant in the cabin of the pickup and 2 motor cycles and four persons in the tailgate (rear box) of the said pickup. The applicant was one of the person who was traveling by the said pickup. Upon taking search of the pickup and the said persons, they found some weapons such as chopper, swords, tomy, one pistol etc in the pickup. The applicant and others were taken into custody. The crime was investigated, and upon completion of investigation, charge sheet has been filed.

5. The FIR does not prima facie indicate that any weapon was found on the person of the applicant. He is in custody since 19th

May, 2018. The charge is of the year 2018, and the matter is not likely to come up for hearing in the next couple of years due to large pendency of old cases. The learned APP also submits that there are no criminal antecedents as against the present applicant.

6. Considering the above facts and circumstances, in my considered view, this is a fit case for releasing the accused on bail. Furthermore, the applicant is a permanent resident of Malegaon. Hence, there are no chances of the applicant absconding or thwarting the course of justice. Hence, the order:-

- (i) The application is allowed;
- (ii) The applicant who is arrested in C.R.No. I-89 of 2018 registered with Chandwad Police Station, Nashik, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount., to the satisfaction of the learned Addl. Sessions Judge, Niphad, Nashik.
- (iii) The applicant shall report to the Investigating Officer/ Senior P.I. Chandwad Police station, Nashik, on the first Monday of every month until further orders;

- (iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;
- (v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (vi) The applicant shall not interfere with witnesses or tamper with the evidence in any manner.

Prasanna
Pradeep
Salgaonkar

Digitally signed
by Prasanna
Pradeep
Salgaonkar
Date:
2018.09.26
12:28:24 +0530

(ANUJA PRABHUDESSAI, J.)