

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

BAIL APPLICATION NO. 2298 OF 2018

Mohamad Munwar Mohamad FarukApplicant

V/s.

The State of MaharashtraRespondent

Mr. Mahendra N. Sandhyanshiv for the applicant.

Mr. Ajay Patil, APP for the State.

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

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 05th OCTOBER, 2018.

P.C.:

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.I-89/2018 registered with Chandwad Police Station, District Nashik for offences punishable under sections 399 and 402 of the Indian Penal Code and sections 3 and 4 r/w. 25 of the Indian Arms Act.

2. Heard Mr. Mahendra Sandhyanshiv, learned counsel for the applicant and Ms. J.S. Lohokare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime came to be registered pursuant to the first information report dated 19th May, 2018 lodged by Sanjay Kashinath Gosavi, Police Hawaldar. A perusal of the first information report 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 travelling 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 two motor cycles and four persons in the tailgate (rear box) of the said pickup. The applicant was one of the persons who was travelling by the said pickup. Upon taking search of the pickup and the said persons, they found some weapons such as chopper, swords, tommy, 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.

4. The first information report does not prima facie indicate that any weapon was found from the present applicant. He is in custody since 19th May, 2018. The case 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.

5. Mrs. J.S. Lohokare, learned APP submits that two cases bearing no.75/2014 and 112/2014 are pending against the applicant. Mr. Mahendra Sandhyanshiv, learned counsel for the applicant, under instructions, submits that he is ready to give an undertaking that he will not engage in unlawful activity while he is on bail. Statement is accepted.

6. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, Bail Application is allowed on following terms and conditions :-

(a) The applicant who is arrested in C.R.No.89/2018 registered with Chandwad Police Station, Nashik is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall report to the Investigation Officer/ Senior Police Inspector of Chandwad Police Station, Nashik on 1st Monday of every month until further orders.

(c) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(d) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.

(e) The applicant shall not interfere with the witnesses in any manner and shall not tamper with the evidence.

(SMT. ANUJA PRABHUDESSAI, J.)