

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

BAIL APPLICATION NO. 2264 OF 2017

Ankush Sudhir Tayade

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Ashok Chopra for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 12th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 483 of 2016 dated 27.11.2016 registered with Amboli Police Station, Mumbai now being investigated by Crime Branch, DCB CID, Anti-Extortion Cell, having renumbered C.R. No. 70 of 2016 under Section 115 read with Sections 302, 387, 120(B) read with Section 34 of the Indian Penal Code and under Sections 37(1) read with Section 135 of the Maharashtra Police Act.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

It is the prosecution case that under the direction of fugitive gangster Ejaz Lakdawala and his accomplice namely Prashant Rao who is presently lodged in Arthur Road Jail, the Applicant along with co-accused Sagar Indulkar tried to

commit the murder of a businessman namely Umar Lakdawala. After receipt of the information by the Anti-Extortion Cell, the police laid a trap on 26.11.2016 and arrested Applicant along with co-accused Sagar Indulkar on the spot. The co-accused Sagar Indulkar was found in possession of a pistol with 5 live cartridges and Applicant was found in possession of a sharp edged knife.

3 The learned Counsel for the Applicant submitted that the Applicant was not aware of the fact that the co-accused Sagar Indulkar wants to commit murder of Umar Lakdawala and he accompanied Sagar only on his request without having intention or knowledge of the said act. He further submitted that Applicant is hardly 21 years of age and the investigation of the present crime is already completed and charge-sheet has been filed. He therefore, prayed that the Applicant may be released on bail.

4 The record indicates that on a specific information, police laid a trap and before commission of the actual offence of murder, has contemplated under Section 302 of Indian Penal Code, the police apprehended the Applicant on the spot. It is the reason Section 115 of the Indian Penal Code is applied to the present crime along with Section 302 of the Indian Penal Code. No justification has come forward from the Applicant as to why and how he had been carrying a knife along with co-accused on the date of incident at the said place. It is the specific allegation of the prosecution that the Applicant and co-accused were acting in furtherance of the directions of the fugitive gangster Ejaz Lakdawala

and his accomplice Prashant Rao as stated hereinabove.

6 After taking into consideration, the role attributed to the Applicant coupled with the fact that the Applicant was found in possession of the knife at the time of his apprehension by the police, this Court is of the view that the Applicant does not deserve to be released on bail.

7 Application is accordingly, rejected.

(A.S.GADKARI, J.)