Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2409 OF 2017

Karim Rafiq Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. S. D. Kavathekar i/b. Mr. P. D. Kavale, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 09.03.2018

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-8 of 2017 registered with the Kasa Police Station, District – Palghar, for the alleged offences punishable under Sections 395, 353 & 365 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that the role of the Applicant is similar / identical to the role played by Ashraf alias Lala Kadir Shaikh, who has been enlarged on bail by this Court (Coram : A. S. Gadkari, J.) vide Order

dated 07.02.2018. He submits that the Applicant has not been identified in the identification parade either by the Applicant or the other eye witnesses.

4. Learned APP does not dispute the fact that the role of the Applicant is similar to that of co-accused - Ashraf Shaikh, who has been enlarged on bail by this Court.

5. Perused the papers. According to the Complainant – Omprakash Khatik, he and others were carrying about 272 goats from Nenva to Mumbai, when the alleged incident took place. He has stated that the truck in which 272 goats were being transported was accosted by two cars containing about ten persons on 21.11.2017 at about 3.00 near Charoti Toll Junction. He has alleged that the said persons committed dacoity and took 272 goats which they were transporting. During investigation, the accused were arrested. After completion of investigation, charge-sheet has been filed. There is no recovery of goats at the instance of the Applicant. Admittedly, the Applicant has also not been identified by any of the witnesses, in the identification parade which was held. Investigation is complete and charge-sheet is filed. The Applicant is in custody since 24.01.2017. The Applicant has no

antecedents.

6. Considering the material on record qua the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms and conditions :

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on the **first Monday of every month** between **11:00 a. m. to 2.00 p. m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant to cooperate in the conduct of the trial and shall also attend all the dates given by the trial Court;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is

accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)