

nsc.

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

CRIMINAL BAIL APPLICATION NO.2509 OF 2017

Salman Ahmed Amir Ali	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Khan Abdul Wahab, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-254 of 2017 registered with the Virar Police Station, Palghar, for the alleged offences punishable under Sections 395, 341, 363, 120B, 323 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that there is no material to connect the applicant with the alleged offences. He submitted

that the applicant has not been identified in the identification parade held on 18th July, 2017.

4. Learned APP does not dispute the fact that the applicant has not been identified in the identification parade.

5. Perused the charge-sheet. The incident has taken place on 14th May, 2017, when the complainant-Gopal Lohar, was proceeding from Mumbai to Jaipur in a Truck, which was loaded with copper wires. It is alleged by the prosecution, that the said vehicle was intercepted by some persons and the driver of the vehicle was assaulted and after confining him, his hands were tied and he was blind folded and was put in a jeep and dropped at some distance, after which, the accused are alleged to have taken the copper wires. It is also alleged that two of the co-accused went to a transport company, hired a vehicle and took the said vehicle to the spot and transferred the copper wires from the complainant's vehicle into the hired vehicle. Admittedly, the applicant has not been identified in the identification parade. There is no recovery of any article, as against the applicant. The applicant has no antecedents. Investigation is complete and

charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two local solvent sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial;
- v) An undertaking to the aforesaid clauses (ii) to (iv), shall be filed by

the Applicant, in the Registry of the trial Court, within two week's of his release;

vi) If there is 2 consecutive default in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)