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

CRIMINAL BAIL APPLICATION NO.2788 OF 2017

Barkat Aabil Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Aniket Vagal, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI – Amruta Chavare, ANC Crime Branch, Thane and PSI – Nilesh Dhumal, ANC Crime Branch, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th 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-147 of 2017 registered with the Kasarvadavli Police Station, Thane, for the alleged offences punishable under Sections 399, 401, 457 of the Indian Penal Code and under Sections 3, 25 of the Arms Act and under Sections 37(1) 135 of the Bombay Police Act.

3. Perused the charge-sheet. According to the prosecution, the complainant received a secret information on 21st July, 2017, that one Sakim Shaikh alongwith 8 to 10 of his associates were planning to rob the Bank of Maharashtra, Kasarvadavli Branch on 22nd July, 2017, pursuant to which a trap was laid and four persons were arrested on the spot. At the spot, police found a country made pistol, oxygen cylinder, gas cylinder, regulator and gas cutter. It is alleged by the prosecution that the gas cylinder, regulator, oxygen cylinder and gas cutter were supplied by the applicant. However, *prima facie*, there is no material to suggest/show that the applicant had supplied the aforesaid material to any of the co-accused. Infact, the statement of the owner of the Agency – Devram Jalora, from where the gas cylinder and oxygen cylinder was purchased shows that it was Saifuddin Shaikh who had purchased the said articles from the shop. It is informed that the applicant has one antecedent.

4. Be that as it may, 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:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday 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 contact, influence the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial.

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

6. 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.

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

(REVATI MOHITE DERE, J.)