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

CRIMINAL BAIL APPLICATION NO.2838 OF 2017

Jahangir Abdul Malik Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Vinod Kashid, for the Applicant.

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

API-Santosh Kadam, DCB, CID, Unit-2 and API-Yuvraj Vatar, Pydhonie Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd 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.264 of 2016 registered with the Pydhonie Police Station, Mumbai, (subsequently transferred to DCB, CID, Unit-II and registered as C.R.No.64 of 2016), for the alleged offences punishable under Sections 395, 363 r/w 201 of the Indian Penal Code.

3. Perused the charge-sheet. The Complainant, a jeweller, was to go to Varanasi to sell jewellery, as per the orders received from Varanasi. He has stated that on 17th September, 2016, he alongwith his nephew-Ankit and his employee-Akash, left the CST Railway Station alongwith gold ornaments weighing 6569.050 grams, to catch a train to Varanasi. He has stated that when they all were in the taxi, the driver of the taxi stopped at Carnac Bunder Bridge and that when he enquired the reason for stopping the taxi, the driver of the taxi informed him that he wanted to answer the nature's call. He has stated that at that time 2 unknown persons came on the motorcycle and that the taxi driver also came and opened the door of the taxi and that they asked him to get down from the taxi. He has further stated that he noticed 2 unknown persons on the footpath and that the other two unknown persons who were standing by the side of taxi, threatened his employee-Akash and that one of the unknown person held his (complainant's) collar and snatched the chain. He has stated that one of the person sat in the taxi alongwith the taxi driver and drove the taxi. Thereafter, the complainant informed the control room and gave the taxi registration number as well as the description of the said persons, pursuant to which, the accused were arrested and after investigation, charge-sheet

was filed. As far as the material, qua the applicant is concerned, the applicant has been identified in the identification parade by the 3 witnesses i.e. complainant, his nephew-Ankit and employee-Akash. There is recovery of ornaments i.e. 26 earrings and 6 rings (worth Rs.1,68,000/-) at the instance of the applicant. It also appears that there is recovery of a motorcycle, at the instance of the applicant, which was used in the commission of the offence. The statement of the employer of the applicant demonstrates that the applicant had taken the motorcycle from him (employer) to meet his relatives, however, the applicant had not returned the motorcycle on the next date i.e. 18th September, 2016. There is one antecedent, qua the applicant.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

5. Hence, the application for bail is rejected and disposed of as such.

6. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)