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

CRIMINAL BAIL APPLICATION NO.279 OF 2019

Nityanand Manikam Devendra @Nitya	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.M.Shaikh, for the Applicant.

Mr. A.R.Kapadnis, A.P.P for the Respondent - State.

API – Gajjal, Central Unit Crime Branch, Navi Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JULY, 2019

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-90 of 2015 registered with the Nerul Police Station, Navi Mumbai, for the alleged offences punishable under Sections 395, 397, 333, 353, of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1), 135 of the Maharashtra Police

Act.

3. Perused the papers. According to the complainant – API Jagvendrasingh Rajput, the incident took place on 10th April, 2015. The complainant has alleged that he found an Eeco Car suspiciously moving near the Darawe Lake, pursuant to which, he went where the car was parked. He has alleged that he saw certain weapons in the car and hence, pulled the key from the car and threw the same at a distance. He has stated that pursuant thereto, the accused persons present in the car attacked him with a tommy and assaulted and fled away with his pistol with 10 live cartridges. The accused are alleged to have fled from the spot, in the complainant's car. There are three eye-witnesses to the incident. It appears that on 9th August, 2015, the pistol of the complainant was seized from the complainant's house. The applicant was thereafter arrested in November, 2015. There are three eye-witnesses to the said incident. The applicant has 8 antecedents, which are of a similar nature. There is also a case in which the applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code. The injury certificate of the complainant shows that he has sustained fracture of the left Ulna. The possibility of the

applicant threatening and tampering with the witnesses cannot be ruled out.

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. However, since the applicant is in custody since 2015, the trial of the applicant is expedited.

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.