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

BAIL APPLICATION NO. 955 OF 2019

Mohammed Irfan Munir Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondent

Mrs. Shilpa Gajare Dhumal I/b Hylyalkar & Associates for the Applicant.
Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 60 of 2019 dated 14.2.2019 registered with Dahisar Police Station, Mumbai under section 399 of the Indian Penal Code and sections 135 read with 37(1) of the Maharashtra Police Act.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Sharif Abdul Gani Shaikh, Police Head Constable attached to Dahisar Police Station, Mumbai.

It is the prosecution case that, on 14.2.2019 at about 2.00 a.m, the Police received confidential information that, certain persons would arrive at Axis Bank, Anand Nagar, Dahisar to loot ATM machine. Accordingly, two teams of the police were deputed and a close watch was kept. At about 4.00 a.m., one WaganR car of Maruti Suzuki Company came at the scene of offence. The movemennts of the persons in the said car was found suspicious and therefore police tighten their noose. When the occupants of the said car realised that the police have encircled them, three out of five persons successfully ran away from the scene of offence. That the applicant and the co-accused were apprehended at the scene of offence. When the police took search of the applicant, one iron rod with sharp edge at one end, red chilly powder and one iron rod used in construction field (Katavni) were found with him. Likewise the co-accused was found in possession with articles used in construction industry.

4] The record of investigation reveals that, the applicant and the co-accused had been to ATM Machine of Axis Bank, Anand Nagar, Dahisar for committing dacoity, however, their attempt of dacoity was averted by the police by taking prompt action and apprehended the applicant and the co-accused on the spot. There is sufficient material available on record to

show the complicity of the applicant in the present crime.

5] After taking into consideration the nature and the gravity of offence, this Court is of the opinion that the applicant does not deserve to be released on bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)