

Dond

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

**BAIL APPLICATION NO.1003 OF 2019**

Mohd. Sajid Nisar Ansari & Anr.

**..Applicants**

**Vs**

The State of Maharashtra

**..Respondents**

-----

Mr. S.R. Gaud I/b Mr. Amit Nalavade for the Applicants.

Ms. J.S. Lohokare, APP for State.

**CORAM : A.S.GADKARI, J.**

**DATE : 11<sup>th</sup> April 2019.**

**P.C.:**

**1]** This is an application under Section 439 of Cr. P.C. for bail in CR No.I- 72 of 2018 dated 21.6..2018 registered with Bhiwandi City Police Station, District-Thane under sections 307, 115, 120-B of the Indian Penal Code, sections 3, 25 of Arms Act and sections 37(1) and 135 of Maharashtra Police Act.

**2]** Heard the learned counsel for the applicant and the learned APP. Perused the record the chargesheet.

**3]** It is the prosecution case that, Khalid Guddu is an ex-Corporator of Bhiwandi Nizamuddin Municipality Corporation and is active in social work. That the co-accused Mohd. Ali Siddiqui and Ashfaq Siddiqui

were having bakery and plot of land. That on the said plot of land they have constructed a building with six floors. That Writ Petition No.4164 of 2018 was filed by Mr. Alim Qureshi against the said construction wherein this Court directed to demolish the same. The principal accused Ahmed Siddiqui and Ashfaq Siddiqui were harbouring belief that, it is the said Shaikh Mohd.Khalid @ Guddu who prompted to file the said petition wherein demolition order was passed. It is the prosecution case that, there is some political enmity between Shaikh Mohd Khalid @ Guddu and Ahmed Siddiqui pertaining to elections of Bhiwandi Nizamuddin Municipal Corporation and due to said grudge, the said accused gave contract to the applicants to either kill and/or cause grievous injuries to the said Shaikh Mohd Khalid @ Guddu. After receipt of information by the police, the police apprehended the applicants and other accused persons. In the premise the first information report is lodged by Shri Sharad Barkade,A.P.I., Bhiwandi City Police Station.

During the course of investigation, the police recovered pistols along with live cartridges at the instance of applicants and after completion of investigation the police have submitted chargesheet.

4] Perusal of the chargesheet would indicate that, the connecting link between the said accused persons Ahmed Siddiqui and Ashfaq Siddiqui and the allegation of giving contract by them to the applicants is missing. The witness namely Nuruddin M. Momin @ Kallan in his statement dated 22.6.2018 has stated that, on 21.6.2018 at about 1.00 a.m. he had seen the applicants having pistols in their possession and the police after accosting them were conducting enquiry.

5] Prima facie, the offence under Arms Act has been made out against the applicants. However, as noted earlier, connecting link and/or piece of evidence to the extent that, the said accused namely Ahmed Siddiqui and Ashfaq Siddiqui had given contract to the present applicants for commission of offence under section 307 I.e to assault Shaikh Mohd. Khalid @ Guddu is silent and/or missing from the record. The applicants are in jail since 21<sup>st</sup> June 2018 and the police have already completed the investigation and submitted chargesheet. No purpose will be served by further keeping the applicants in incarceration and the applicant can be released on bail.

Hence the following Order:-

i] Applicants be released on bail in CR No.I-72 of 2018 registered

with Bhiwandi City Police Station, District-Thane, on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

ii] The applicants shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**