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

CRIMINAL BAIL APPLICATION NO.1639 OF 2019

Zafar Azam Sayed	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Vijendra Kumar Rai, for the Applicant.

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

ACP – A.T.Powar, Kalyan Division, District – Thane, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th SEPTEMBER, 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.215 of 2016 registered with Kolsewadi Police Station, Thane, for the alleged offences punishable under Sections 394 and 34 of the Indian Penal Code. Subsequently, Maharashtra Control of Organized Crime Act (for short 'M.C.O.C. Act'), came to be invoked and Sections 3 (1)(ii), 3(2) and 3(4) of the M.C.O.C. Act, came to be applied.

3. Perused the papers. According to the complainant, the incident took place on 2nd July, 2016, at about 4.30 p.m. whilst she was proceeding towards the Metro Mall at Kalyan. The complainant has alleged that two motorcyclist approached her and that the pillion rider of the said motorcycle told her not to go ahead as an incident of murder had taken place. It is alleged that two unknown persons came on another motorcycle and that the pillion rider of the said motorcycle forcefully tapped the complainant's neck and snatched the complainant's gold *mangalsutra*. According to the complainant, whilst snatching, the *mangalsutra* broke into pieces and as such the pieces fell on the ground. It is alleged that the complainant raised hue and cry, pursuant to which, one auto rickshaw driver put his rickshaw across the motorcycle, as a result of which, the motorcycle skidded and both the persons on the motorcycle fell on the ground. It is further alleged that the said two persons were apprehended by the people, who were present at the spot. One person who was allegedly riding the motorcycle took out a metal (fighter) from his pocket and gave a blow on the auto driver, resulting in an injury on his knee. It is alleged that the public snatched the said weapon from the said person. The police arrived at the spot and the applicant along with another co-accused were apprehended on the spot. According to the prosecution, the

applicant is the person, who snatched the *mangalsutra*, which the complainant had worn on her neck. 20 similar cases are registered as against the applicant. The details of which are set out in para 15 of the affidavit tendered by the learned APP of Assistant Commissioner of Police, Anil Powar. The said affidavit tendered by the learned APP is taken on record.

4. Considering the material on record, *qua* the applicant, it cannot be said that the applicant is not guilty of the offences with which he is charged. The possibility of the applicant committing a similar offence also cannot be ruled out. Similarly, the possibility of the applicant tampering with the witnesses cannot be ruled out.

5. Hence, the application for bail is rejected and disposed of as such. However, since the applicant is in custody for 4 years, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order.

6. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.