

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2190 OF 2019**

Shadab Ahmed Aftab Ahmed Ansari	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Rohan P. Surve for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

PSI Mr. B. B. Salunke from Nizampura Police Station, Thane, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th OCTOBER 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-45 of 2019 registered with the Nizampura Police Station, Thane, for the alleged offences punishable under Sections 395, 143, 147, 148, 149 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Shahzeb Khot, the incident took place on 2nd February 2019 at about 10:15 p.m. According to the complainant, on 1st February 2019 at about 9:45 p.m, the Officer of the Bhiwandi Nizampura City Municipal Corporation had demolished the applicant's shop by using JCB Machine and after

demolishing, the Officers had left the said spot. The complainant has further alleged that on the same day at about 10:15 a.m, the applicant and other co-accused, being enraged with the act of the Corporation, went to the shop owned by Manoj Suruse i.e. Manoj Chappal Mart and broke open the door of the said shop and stole Rs.1,500/- from the cash box and removed shoes sole worth Rs. 15,000/- kept in the said shop. It is alleged that the applicant and co-accused thereafter went to the complainant's hotel and also caused damage to the said hotel and assaulted the complainant with an iron rod and removed Rs. 19,000/- from the counter of the said hotel. Pursuant to the aforesaid complaint, the applicant and other co-accused were arrested.

4 Learned A.P.P states that the applicant has two cases registered as against him with Nizampura and Shanti Nagar Police Station.

5 Learned counsel for the applicant has filed an affidavit of the applicant stating therein that he will not stay within the jurisdiction of Nizampura Police Station and that he will abide by the terms and conditions imposed by this Court. He has also undertaken not to pressurize the complainant or any other witness concerned with the said case. The said affidavit is taken on record.

6 A perusal of the injury certificate shows that the complainant has received an abrasion in the said assault and the injury is stated to be a simple injury. The applicant is in custody since 2nd February 2019. Investigation is complete and charge-sheet is filed.

7 Having regard to what is stated aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m for a period of 24 months from the date of his release;
- (iii) The applicant shall not enter the jurisdiction of Nizampura Police Station, Bhiwandi, until further orders;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8 The application is accordingly disposed of.

9 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.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.