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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2795 OF 2019

Mohd. Afzal Mohd. Rojaji Khan	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. P.R. Yadav a/w Sarita Vishwakarma, for the Applicant.

Mr. P.H. Gaikwad-Patil, A.P.P for the Respondent - State.

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CORAM : REVATI MOHITE DERE, J.

DATE : 18TH 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.144 of 2019 registered with the Sir J.J. Marg Police Station, Mumbai, for the alleged offences punishable under Section 381 r/w 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant, the applicant was working in his shop. The complainant has stated that the

incident took place on 13th August, 2019 when he and his nephew were not present in the shop. The complainant has alleged that the applicant along with co-accused committed theft of Rs.24,19,500/- from the cupboard of the shop by breaking open the lock. It appears that C.C.T.V cameras which were installed were not working during the period when the alleged theft was committed. It is alleged by the complainant that taking disadvantage of the complainant's absence in the shop, the aforesaid offence was committed. Out of Rs.24,00,000/-, Rs.17,00,000/- have been recovered from the other co-accused. The motorcycle allegedly belonging to the complainant was recovered at the instance of the applicant.

4. Learned A.P.P. states that an amount of Rs.30,000/- was transferred by the applicant to his sister's account and Rs.12,000/- were given to his friend. According to the learned Counsel for the applicant, the said accounts are salary accounts.

5. Learned Counsel for the applicant has tendered affidavit of the applicant, who is aged 19 years. The applicant has undertaken not to indulge in any such kind of activity in future. It appears that investigation is almost over in the said case.

6. Considering the aforesaid, having regard to the affidavit of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall report to the Investigating Officer of the concerned Police Station, on every Saturday between 10:00 a.m. to 11:00 a.m., till filing of the charge-sheet and thereafter on the first Saturday of the month from 10.00 a.m to 11.00 a.m for a period of 18 months from the date of his release.
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of their release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. 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.

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

[REVATI MOHITE DERE, J.]