

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 3403 OF 2018**

Arif Nawabali Khan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ram Upadhyay for the Applicant.

Smt. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 22nd MARCH, 2019.****P.C.:-**

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. II-33 of 2017 dated 6th August, 2017 registered with Shil-Daighar Police Station under Sections 120(B), 286 of the Indian Penal Code r/w Section 4 and 5 of the Explosive Substance Act, 1908, now culminated into Sessions Case No. 78 of 2018.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

The first information report is lodged by Mr. Sandip Ombase, Police Inspector then attached to the Crime Branch Unit, RPF

Kalyan, District Thane. The Applicant is Accused No.3 in the present crime.

It is the prosecution case that, the Accused No.1 in conspiracy with Accused No. 2 and the Applicant, brought 9 detonators and explosives full of a nylon gunny bag within the jurisdiction of Shil-Daighar Police station, District Thane, with a view to cause explosion of it and to further cause loss to the public property and human lives.

After receipt of secrete and confidential information, the Investigating Agency conducted a raid at Gausia Compound, Village Davale, situated on old Mumbai-Pune Highway, District Thane and the said material was found from a scrap Scorpio motor vehicle.

3 It *prima facie* appears from the record that, it is the ostensible defence of the Accused No.1 that, he had disputes over monetary transactions with one Mr. Ismail Mohammed Shaikh and with a view to settle the score with him, he in connivance and in conspiracy with the Applicant and co-accused brought the said explosives from District Ajamgarh (State of Uttar Pradesh) to Kalyan from railway and from Kalyan it was transported to the said Gousia Compound through a vehicle.

4 The allegation against the Applicant is of conspiracy with the Accused No.1 in procuring and bringing the said explosive material to Kalyan for the aforestated purpose. According to this Court, the said allegations are undoubtedly serious in nature. The co-accused namely "*Tajmmul*" is still absconding.

5 After taking into consideration the aforestated facts and the gravity of the offence, this Court is of the considered view that, the Applicant does not deserve to be released on bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)