

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

**CRIMINAL BAIL APPLICATION NO. 3059 OF 2019**

Mohammed Mobin Hasan Shaikh ...Applicant

## Versus

The State of Maharashtra ...Respondent

• • •

Mr. Gautam Jain i/by S.A. Vasid,  
Advocate for the Applicant.  
Ms. J.S. Lohakare, APP for Respondent-State.

• • •

**CORAM : SANDEEP. K. SHINDE, J.**  
**DATE : 10<sup>th</sup> JANUARY, 2020.**

***P.C.***

Heard.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973.
2. Applicant is seeking enlargement on bail in Crime no. 250 / 2019 registered with the Ville Parle Police Station for the alleged offences punishable

under Sections 413, 414 r/w 34 of the Indian Penal Code, 1860 ('IPC' for short).

3. Applicant came to be apprehended on 05.07.2019 and since investigation is over and the charge-sheet has filed on 13.09.2019.

4. It is prosecution case that receipt of confidential information by the Complainant PSI Pradeep Ahire that two persons were going to come in a car bearing registration No. MH-20-DV- 5509, the said car was intercepted on 05.07.2019. in which that the Applicant and Jahid (co-accused) were travelling. Upon a search being taken of the car, 34 mobile sets were recovered from a bag held by Jahid; while 23 mobile sets were found in the dikki of the car. It appears that neither the applicant nor the co-accused could produce the documents to prove the ownership of these recovered mobiles.

5. Learned APP submits that the accused no.1

disclosed to the police that he had borrowed the said car from one Mr. Abdul Nadeem. Learned APP further submitted three crimes have been registered against the accused no. 1 of similar nature, in the past.

6. Counsel for the applicant submits, he had no knowledge that the bag which was recovered from Jahid that had contained 33 mobile sets and also that he was unaware of the other mobile sets which were found in the dikki of the car. Learned APP, on instructions also submitted that there are no antecedents against the present applicant.

7. It is to be considered that the investigation in the present case is over. The trial is not likely to commence and conclude in the near future. The applicant is a permanent resident of Mumbai and his presence for the trial can be secured by imposing conditions.

8. The application is therefore, allowed, hence

the following order.

**ORDER**

(i) The applicant is directed to be released on bail in Crime no.250 of 2019 registered with Ville Parle Police Station, on executing P.R. Bond for the sum of Rs.25,000/- with one or two local solvent surety in the like sum;

(ii) The applicant shall furnish particulars of his residential address and contact number to the investigating officer within seven days from the date of his release on bail;

(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;

9. The application is allowed in the aforesaid terms and disposed off.

10. It is made clear that the observations made hereinabove be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

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

*(SANDEEP. K. SHINDE, J.)\_*