

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1412 of 2022

Mohammed Nazim Mohammed Hanif .. Applicant
Shaikh @ Salman

Versus

State of Maharashtra .. Respondent

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Ms.Saima Ansari for the applicant
Mrs.P.P. Shinde, APP for the State.
PSI N.U. Pawar from Nehru Nagar Police Station present.

CORAM: BHARATI DANGRE, J.

DATED : 26th MAY, 2022

(Vacation Court)

P.C:-

1 The applicant apprehend his arrest in C.R.No.20/2021 registered with Nehru Nagar Police Station invoking Sections 394 r/w Section 34 of the IPC.

The complainant is one Yusuf Parvez Khan, who reported to the police that on 24/1/2021, when he had collected the cash from various clients and placed it in his bag, totalling to Rs.4,80,000/- and when he was enroute on his motor-cycle, a black colour Pulsar without number plate followed him. He was intercepted by the said vehicle and the third person riding on the said motor cycle, threw water at him. Resultantly, he lost balance and fell down from his vehicle. While he was in an attempt to get

up, one of the three persons brandished a knife at him and started assaulting him. In order to save himself, he ran some distance but was chased by the person with a knife in his hand, and was ultimately assaulted on his left arm. At the very relevant time, two persons riding the motor-cycle arrived at the spot and one of them snatched his bag, containing the cash of Rs.4,80,000/- and fled from the spot. This incident resulted in registration of C.R. by invoking Section 394 read with Section 34 IPC against three accused persons. Some amount of cash has been recovered from the accused persons and all the three accused persons were identified in Test Identification Parade by the complainant. On completion of investigation, the charge-sheet is also filed against the three accused persons. As far as the present applicant is concerned, he is arraigned as an accused on the basis of the statement of co-accused and this is what is sought to be argued by the learned counsel for the applicant that if the version of the complainant is that only three persons riding on the Pulsar motor cycle chased him and only three persons are seen in the CCTV footage, there is no scope of his participation in the crime.

I find the said argument logical and valid, since the learned APP do not dispute that only three persons were identified in the Test Identification Parade who were seen in the CCTV footage. The applicant is innocent in the background that the complainant has implicated three persons who are following him on the Pulsar motor-cycle.

Subject to the stipulation that the applicant shall render all co-operation in the investigation, in my considered opinion, he is entitled to be released on bail. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Mohammed Nazim Mohammed Hanif Shaikh @ Salman in connection of C.R.No.20/2021 registered with Nehru Nagar police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall attend the concerned police station every Monday between 10.00 am to 2.00 pm for a period of four weeks and thereafter as and when directed by the Investigating Officer.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)