



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2184 OF 2023**

SHAIKH IMRAN SHAIKH KHADIR
VS
THE STATE OF MAHARASHTRA

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Mr. Prashant P. Giri, Advocate for the Applicant.
Mrs. P. J. Bharad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.379/2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Section 399, 402 of the Indian Penal Code and Section 4/25 of the Arms Act.

2. The investigation was set in motion on the basis of the information given by Mr. Manik Devrao Hambarde, Police Sub Inspector with Nanded Rural Police Station at Nanded. In nutshell, it is alleged that on receipt of secrete information that 5 to 6 persons have gathered with intention to commit robbery or dacoity, the squad was arranged. When the spot was raided, two suspects have been apprehended from group of six persons. The apprehended accused were searched, which led to seizure of incriminating articles like sword, knife and chilly powder. It appears that the applicant has been arrested on 15.10.2023. Since then, he is behind the bar.

3. Mr. Giri, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime only because some criminal antecedents. He would point out that neither applicant was present at the spot nor there is recovery of incriminating material from him after his

arrest. By inviting attention of this Court to the contents of the FIR, he would submit that the allegations are bereft to make out an offence under Section 399 of the Indian Penal Code.

4. The learned APP strongly opposes the prayer for grant of bail. She would submit that in all six culprits are involved in the crime. The applicant escaped from the spot. However, his two companions were arrested from whom incriminating material is seized. The applicant is a habitual offender. As many as three offences are previously registered against him, which are of similar nature.

5. Having considered submissions advanced, apparently the applicant was not apprehended on the spot when raid was conducted by the police on the basis of secrete information. Even the applicant is not named in the FIR. He has been subsequently shown as accused. Mr. Giri points out that two accused persons, who were apprehended on the spot have been already enlarged on bail. The investigation in the matter is practically over. The applicant is behind the bar for more than two months. From the contents of the FIR and other material collected during the course of investigation, *prima facie*, it does not appear that ingredients of the offence punishable under Section 399 of the Indian Penal Code would attract in the present case. In that view of the matter, further detention of the applicant is not required. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shaikh Imran S/o Shaikh Khadir be released on bail in Crime No.379/2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Section

399, 402 of the Indian Penal Code and Section 4/25 of the Arms Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall visit concerned police station once in a week i.e. on every Friday between 10.00 am to 02.00 pm.
 - c. The applicant shall furnish permanent residential address and contact numbers with the Investigating Officer and shall update the same time to time.
 - d. In case of filing of the charge-sheet, the applicant shall attend each and every effective date before Trial Court.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE