

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

BAIL APPLICATION NO. 1031 OF 2022

Afzal Kadar Kannad ..Applicant
VS.
The State of Maharashtra ..Respondent

Ms. Anjali Patil for the Applicant.

Mr. S. V. Gavand, APP for the State.

R.M. Tadvi, API, C.B. Navi Mumbai is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 3, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and the learned APP.
- 2.** This is an application for bail by the applicant- Afzal Kadar Kannad in connection with C.R. No.468 of 2021 dated 12/11/2021, registered with Rabale Police Station, under sections 394, 170 and 34 of the Indian Penal Code, 1860.
- 3.** The date and time of the incident is on 11/11/2021 at around 10.00 a.m. The First Information Report (FIR) is

lodged on 12/11/2021. The applicant was arrested on 13/11/2021. The supplementary statement of the complainant came to be recorded on 14/11/2021. Thereafter, section 395 of IPC came to be added.

4. The allegation in brief is that the 2 accused persons were on the motor cycle. The complainant and one of his colleague had cash amount of Rs.25,00,000/- with them. The 2 accused followed the complainant and somewhere near Kanjurmarg snatched the bag containing cash amount of Rs.25,00,000/- and fled. The FIR was initially registered against 2 accused. On 14/11/2021, the complainant said that he was informed by the police that there are others involved in the commission of the offence and they were keeping close watch while traveling in the Swift Dezire car. The applicant was said to be traveling in the said Swift Dezire car. The complainant in the supplementary statement dated 14/11/2021 says that upon being informed by the police, he realised that there was a Swift Dezire car parked at some distance and that Swift Dezire car followed them.

5. The applicant is identified by the complainant in the

test identification parade. An amount of Rs.1,00,000/- in cash was recovered from the house of the applicant. Prima facie from the materials collected in the charge-sheet, there is nothing to indicate that the money is a part of the stolen cash. There are no criminal antecedents reported against the applicant. Taking an over all view of the matter and considering the role of the applicant, further considering that the applicant is in custody since 13/11/2021 i.e. almost for a period of 1 year and 2 months, with the investigation complete and charge-sheet filed, the applicant can be released on bail. There is nothing to infer that the applicant will flee and avoid facing trial. Hence, the following order.

ORDER

(a) Applicant- Afzal Kadar Kannad shall be released on bail in connection with C.R. No.468 of 2021 dated 12/11/2021, registered with Rabale Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so

as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(c) The applicant shall report to the concerned Police Station once in a week on every Sunday between 11.00 a.m. and 1.00 p.m.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(e) Liberty to apply for modification of the conditions after six months from today.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)