

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 977 OF 2023

Danish Yunus Khan @ Imran
Anis Khan

...Applicant

vs.

State of Maharashtra
[At the instance of
Kalyan Railway Police Station)

...Respondent

Mr. Satyam Nimbalkar a/w. Mr.Abhishek U Arote – Advocate for Applicant.

Mr. S.R.Agarkar – APP for Respondent-State.

Mr. K.V.Gosavi – PSI – Kalyan Railway Police Station is present..

CORAM : S. M. MODAK, J.

DATED : 30TH JUNE 2023

P. C. :

1. Heard, learned counsel Mr.Nimbalkar for the applicant and learned APP Mr.Agarkar for the State. Investigation officer is present.

2. After hearing both the sides and after considering the materials on record and arguments canvased by Mr.Nimbalkar, this is a case wherein the applicant was arrested on the spot in the running train on 20/01/2022. Furthermore, he was found with

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mobile handset of Itel Company during his personal search and it belonged to the First Informant Smt.Jaya Pise. So above such material is sufficient to show his involvement in the crime. However, I am inclined to grant him bail only for three reasons. First is his age is 19 years, second there are no criminal antecedents and third there is unlikelyhood of holding the trial in near future. Thus, for the above reasons and that this Court is aware about heavy pendency in the Court seized of the case. Every now and then this Court is hearing requests for bail on account of delayed trial.

3. The incident of dacoity took place on 28/01/2022 in a running train going from Pune to Kakinad. There are two statements of the occupants of that train, one is Smt.Jaya Pise whose bag is snatched by the juvenile offender. He is one of the five persons who were on the train who committed dacoity. Whereas there is a statement of Ms.Meena Bane. Both of them have stated about snatching of bag. Both of them have stated that these 5 persons were arrested on the spot. It is true that the Test Identification Parade was also conducted. Wherein the witness Meena Bane has identified the present applicant. It may be that no role is assigned to him. However,

considering the manner of incident, he was taken into custody and seizure of mobile are sufficient to consider his involvement.

4. However, for the reasons stated above I am inclined to grant him bail. Hence, order :-

ORDER

- (i) Application is allowed.
 - (ii) Applicant Danish Yunus Khan be released on bail in connection with C.R. No. 101 of 2022 registered with Kalyan Railway Police Station for the offences punishable under Sections 395, 398 of IPC on furnishing personal bond and surety bond of Rs.15,000/- .
 - (iii) Applicant is directed to attend Pune Railway Police Station on First Monday of every Month from 10.00a.m. to 12.00noon .
 - (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.
5. These are my prima facie observations. Let the learned trial Court need not be influenced by them.
6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]