

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

BAIL APPLICATION NO. 1164 OF 2022

Asgar @ Ajju Mohammad Akhtar
Khan

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Misbaah Solkar , Adv. Neha Thakkar, Adv. Faiza Gawandi -
Advocate for the Applicant

Mrs. M. R. Tidke - APP for the Respondent-State
PSI Dyaneshwar Aasve – Navghar Police Station

CORAM : S. M. MODAK, J.

DATE : 14th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned
APP for the Respondent-State.

2. The first informant was robbed of golden chain on
23/03/2021 at about 10.00 p.m. by two persons when he was
returning home from the office. It seems that there is modus
operandi. One person initially gave dash to the first informant and
second person followed him on Pulsar motor cycle and thereafter,
the first informant is robbed of golden chain. The Navghar Police
Station registered an offence under Section 394 read with Section 34

of the Indian Penal Code. The present Applicant is arrested on suspicion and he is identified in the parade. Co-accused is not arrested. Bail is opposed on the ground that there are criminal antecedents and there are four offences registered against him in different Police Stations of Thane District.

3. The offence is triable by the Court of JMFC and it is punishable for 10 years and attempt is made to point out that offence under Section 394 is not disclosed. But considering the manner of committing the offence and there is injury caused to the knees of the first informant, this contention is rejected.

4. I am granting bail for the reason that there is no recovery at the instance of the Applicant subject to strict conditions so that Applicant can remain present for the trial. Bail can be granted and local surety can be ordered. So also the Applicant can be directed to produce documents showing his residence as described in the charge-sheet. Hence following Order:-

ORDER

(i) Application is allowed.

(ii) The Applicant-Asgar @ Aju Mohammad Akhtar Khan arrested in C.R. No. 222 of 2021 registered with Navghar

Police Station be released on bail on furnishing Personal bond and Surety bond in sum of Rs. 25,000/-.

(ii) The Applicant to furnish surety who is having residence in Bhiwandi Taluka.

(iii) The Applicant is directed to produce the documents before the trial court in what capacity he is residing in the address mentioned in the charge-sheet.

(iv) The Applicant shall regularly attend the proceedings before the trial Court.

(e) Needless to say, violation of the condition above will make the Applicant liable for cancellation of bail on notice

5. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

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.]