

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

CRIMINAL BAIL APPLICATION NO. 1311 OF 2022

Ismail Hassan Gouhar Ali Shah	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. M. A. Khan a/w Mr. Tajammal Khan i/b CAPRI Legal for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 55 of 2020 registered with Kurar Police Station, Mumabi for the offences punishable under Sections 399, 402 of the Indian Penal Code, 1860 (for short "IPC") read with Sections 3, 25 of the Indian Arms Act, 1959 and Sections 37(1)(A) and 135 of the Maharashtra Police Act, 1951.

2. It is prosecution's case that applicant along with co-

accused were preparing for committing dacoity, at that time Police arrested them and have recovered weapons from them.

3. It is contention of learned counsel for the applicant that co-accused have been released on bail by the trial Court. The role attributed to the co-accused and applicant is same. Hence, requested to allow the application.

4. Learned APP submitted that there is *prima facie* case against the applicant. Applicant was caught red handed by the Police. Applicant has criminal antecedents. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. It is alleged that applicant along with co-accused were preparing for committing dacoity and police arrested the applicant from the incident spot. The co-accused who were arrested with the applicant have been released on bail. The role attributed to

the applicant and co-accused is same.

7. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No.55 of 2020 registered with Kurar Police Station, District – Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant,

witness or any person concerned with the case.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this Order.

12. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)