



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

BAIL APPLICATION NO. 1042 OF 2023

1] SHAHBAZ ANJUM MEHMOOD AHMED

2] MOHD. YASEEN SHAKIL AHMAD @

YASSA

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Mahendra S. Sandhyanshiv for the Applicants.

Ms. Veera Shinde, APP for the State.

API D.J. Badgujar, Pavarvadi police station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 05, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 307, 393, 120-B, 506 read with 34 of the Indian Penal Code and under Sections 3/25, 4/25 and 5/27 of the Arms Act registered vide C.R. No.141 of 2022 dated 04/08/2022 with Pawarwadi Police Station, District Nashik.

3. The date of the incident is 04/08/2022. Applicant No.1

came to be arrested on 16/08/2022 and applicant No.2 came to be arrested on 08/08/2022. There are in all 4 accused. The applicants are accused Nos. 2 and 4. It is alleged that the accused entered the office of the complainant with the intention of robbing the money which was kept in a bag. The accused were armed with a country-made pistol and sharp weapons like sickle and knife. The attempt to snatch the bag was resisted, whereafter, the accused fled away with the money bag on motorcycles. The complainant, his brother and others followed the accused and caught hold of them. In the scuffle that followed, one of the accused suffered simple injuries. Some of the accused were assaulted by the people who had gathered there. It is alleged that accused No.1 tried to fire at the complainant but as the complainant caught hold of the hand of accused No.1, the shot got fired in the air. The money bag was found on the spot and there were no injuries suffered by any of the persons from the complainant's side.

4. The applicants are in custody since August-2022 for

more than a period of 13 months with the possibility of trial commencing and concluding any time soon appears remote. The investigation is complete and the chargesheet has been filed. Applicant No.1 is reported to have a criminal antecedent under Section 25 of the Arms Act. There are no criminal antecedents reported against applicant No.2. Considering the nature of the antecedent, in my opinion, the applicants should not be deprived of the facility of bail altogether as they can be enlarged on bail by imposing certain conditions. In the facts and circumstances of the present case, and considering the role of the applicants, the application is allowed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants- Shahbaz Anjum Mehmood Ahmed and Mohd. Yaseen Shakil Ahmad @ Yassa in connection with C.R. No.141 of 2022 registered with Pawarwadi Police Station, shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties each in the like amount.
- (c) The applicants shall attend the Investigating Officer of

the Pawarwadi police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants 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 applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for the purpose of reporting to the Investigating Officer and attending trial Court on the dates fixed, the applicants shall not enter in Malegaon Taluka till further orders of the trial Court.

5. The application is disposed of.

(M. S. KARNIK, J.)