

Urmila Ingale

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2023.01.09
13:59:42 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1968 OF 2022**

Nijam @ Nijamuddin Dawal Shaikh

Nijam Rafiq Shaikh

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Atul R. Patil, for applicant.

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

PSI- Mr. C.A. Khelmalis, Kalyan Police Station is present.

**WITH
BAIL APPLICATION NO.2117 OF 2022**

Ajay Ashok Dabade

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Satayajeet P. Dighe, for Applicant.

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

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

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

2. These are the applications for bail in connection with C.R. No.101 of 2022 dated 28/01/2022 registered with Kalyan Railway Police Station for the offence punishable under sections 395, 398 of the Indian Penal Code, 1860 ("IPC", for short).

3. Nizam is the original accused no.4 and Ajay is original accused no.3. In all, there are 5 accused. FIR is registered on 28/01/2022 under sections 395 & 398 of the IPC with the Kalyan Police Station. The applicant Ajay is 21 years of age. Nizam is 19 years of age. Both are young boys. It is alleged that 5 persons tried to loot the passengers in a running train. They were caught by the passengers. The applicants are in custody from 28/01/2022 for a period of more than 11 months. The investigation is complete and charge-sheet is filed. There is no recovery from the applicants. The applicants have not been identified in Test Identification parade. There are no criminal antecedents reported against the applicants. There does not appear to be any possibility of the applicants threatening the witnesses. The trial is not likely to conclude any time soon. Considering that there are no criminal antecedents against the applicants and the applicants have not been identified in Test Identification parade as well as there is no recovery from the applicants, the applicants can be enlarged on bail. Hence, the following order.

: ORDER :

- (a) The applications are allowed.
- (b) The applicant in BA/1968/2022 -Nijam @ Nijamuddin Dawal Shaikh Nijam Rafiq Shaikh and the applicant in BA/2117/2022- Ajay Ashok Dabade shall be released on bail in connection with C.R. No.101 of 2021 registered with Kalyan Railway Police Station on furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) 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 applicant shall not tamper with evidence.
- (d) On being released on bail, the applicants shall furnish their contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (e) The applicants shall report to the concerned Investigating Officer once in a month on the first Monday of every month between 11.00 a.m. and 1.00 p.m.

4. The Bail Application is disposed of.

(M. S. KARNIK, J.)