



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 747 OF 2024

Istrail Hakim Sheikh and another Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, counsel for applicants.

Mr. S.A. Ashirgade, Addl. P.P. for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/10/2024.

1. The applicant came to be arrested on 01/06/2024 in connection with Crime No. 43/2024 registered with Police Station Korchi, District Gadchiroli for the offence punishable under Sections 347, 365, 395, 435 of Indian Penal Code, 1860 and Sections 3/25 of the Arms Act, 1959.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that on 26/05/2024, while carrying scented tobacco from Wasdi (Chhatisgarh) through four-wheeler Ertiga bearing No. MH-35-AG-7001, at about 9.00 a.m., a gang of 7 to 8 persons obstructed his vehicle by keeping in a four-wheeler ahead of his vehicle. Two of them pointed a Pistol and Rifle like weapon and snatched Rs. 1,20,000/- from him. On the basis of said report, police have registered the crime against the present applicant. During the investigation, the applicant and other co-accused are placed for the test identification parade. The witnesses have identified the present applicant as well as other co-accused. During the investigation, the

amount is also recovered from the present applicant as well as the other co-accused. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel Mr. M.N. Ali, for the applicant, submitted that, as far as the first informant is concerned, against whom also several crimes are registered, including smuggling of the contraband articles. He submitted that, as far as the use of the pistol is concerned, the panchanama shows that it was a toy pistol. He submitted that though the applicant is identified during the identification period, there are no criminal antecedents, and the recovery of two or three thousand is from every applicant. Considering the investigation is completed and charge-sheet is filed, further incarceration is not required, in view of that, he be released on bail.

4. The learned APP strongly opposed the said application and submitted that the applicant and other co-accused have formed the WhatsApp group in the name of 'Gandhji', and hatched the conspiracy to commit the robbery, and in pursuance of that conspiracy, they have intercepted the vehicle of the informant and committed the robbery. During the investigation, the applicant is identified during the identification parade, and the amount is also recovered from him. Considering the prima-facie material against the present applicant and considering the apprehension that if the applicant is released on bail, there is every possibility of

involving in similar types of offences, hence the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that during the investigation, the applicant has made a memorandum statement, and in pursuance of the said statement, a weapon, which is a toy gun, is recovered, as well as the cash amount is also recovered at the instance of the present applicant. During the investigation, he was placed for the test identification parade. A test identification parade was held, and during the test identification parade also, the applicant was identified. The communication on WhatsApp shows that the WhatsApp group was formed for committing the robbery. The communication through the WhatsApp group shows, there was communication as to the committing of robbery.

6. Considering the prima-facie material against the present applicant, though the investigation is completed and charge-sheet is filed, the application for grant of bail deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected** accordingly.

[URMILA JOSHI-PHALKE, J.]