

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3142 OF 2024

Avesh Abdul Kalam Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Vagal for the Applicant.

Mr., A.S. Gawai, APP for the Respondent-State.

Mr. P.H. Wagh, PSI, Navghar Police Station, Brihanmumbai Sahar

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. 89 of 2023 registered with Narpoli Police Station, Brihanmumbai Shahar for the offences punishable under Sections 394, 397 read with 34 of Indian Penal Code.

2. In short, it is the case of the prosecution that incident occurred in which present applicant and co-accused intercepted a vehicle and looted driver and cleaner on the point of knife. The allegation against present applicant and co-accused, they assaulted to one of them with knife and

robbed Rs. 15,000/- and mobile phones. During the course of investigation the provisions of MCOC Act came to be applied. On conclusion of the investigation, chargesheet has been filed.

3. Leaned counsel for the applicant submits that there is no evidence/material in order to indicate as on what basis applicant came to be arrested. It is his submission that informant has not given any description of the assailants in order to identify him in identification parade. It is his further submission that there is allegation against two persons of causing assault and as such recovery of any knife, which does not indicate any blood stains incriminating against the applicant. In so far as the allegation against the applicant having three antecedents. It is claim that in two of them he already acquitted. It is his submission that the applicant is in jail for last three years. There is no possibility that the trial commences in a short period of time. According to him, having regard to the nature of offence alleged against the applicant, he is entitled for bail.

4. Learned APP opposed the application by pointing out that material/ evidence against the applicant showing his involvement in the crime in this regard reference is made to the identification parade conducted during the course of investigation. He drew attention of the Court to the recovery of knife at the instance of the present applicant which according to him is incriminating evidence. In view of the CA report indicating human blood found thereon. It is his further submission that evidence of the recovery of the applicant stained with blood of the injured indicates his involvement in the crime. In view of the contentions he seeks dismissal of the application.

5. The question arises before this Court is as to whether there is any *prima-facie* evidence of the applicant in order to show his involvement in the crime in question. Identification parade is conducted during the course of investigation wherein applicant has been identified by the injured. There is further evidence in the form of seizure of a knife at the instance of applicant and CA report indicates that it was

stained with human blood. Apart from this T-shirt of the applicant is stained with the blood of the injured. This clearly shows the involvement of the applicant in the crime. Having regard to the nature of offence and considering *prima-facie* evidence against him, this is not a fit case to grant bail.

6. Hence, application stands dismissed.

(R. M. JOSHI, J.)