

BA 282/2019

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Order

**IN THE SESSIONS COURT FOR GR. BOMBAY,
BORIVALI DIVISION, DINDOSHI, GOREGAON, MUMBAI
CRIMINAL BAIL APPLICATION NO.282 OF 2019
(C.R.NO.70/2019)
(CNR NO.MHCCO5-001396-2019)**

1.Aijaz Fateh Sayed

Age 33 Years, Indian Inhabitant,
Residing at Bandukwala Bldg.,
2nd Floor, B Wing, Room No.50,
Opp. Gate No.6, Jail Road North,
J.J.Hospital, Chinchbunder,
Mumbai 400 009.
Mob.No.9930192405.

2.Sufiyaan Irfan Shaikh

Age 20 Years, Indian Inhabitant,
Residing at Fatwat Manzil,
Room No.2, Bldg. No.14/16,
Mirza Ali Street, Dongri,
Mumbai 400 009.

....Applicants/Accused

V/s.

The State of Maharashtra

represented by Sr.Inspector
of Police, Amboli Police Station,
Mumbai, in C.R.No.70/19 in the
instance of Mr.Satish Dhanajee Patil,
(P.C.No.111359)

....Respondent

Ld. Advocate Mr. P. S. Dubey for the applicants/accused.
Ld. APP Mr. K. Y. Salunke for the State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOCHHE
(C.R.NO.8)**

DATE : 18TH MARCH, 2019.

ORDER

This is an application u/s. 439 of the Code of Criminal Procedure 1973 by the applicants/accused Aijaz Fateh Sayed and Sufiyaan Irfan Shaikh for grant of bail in Crime No.70/2019 for the offences punishable U/sec.379 r/w 34 of the Indian Penal Code, 1860 (hereinafter referred to as "I.P.C.") r/w. Sections 41, 42, 65(A) of Indian Forest Act, 1927 registered with Amboli Police Station.

2. Perused the application and reply filed. Perused the police papers. Heard Ld. Advocate Mr. P. S. Dubey for the applicants/accused and Ld. Addl. P .P. Mr. K.Y.Salunke for the State.

3. Perusal of the police papers show that the applicants/accused are found with the stolen article i.e. red sandalwood worth of Rs.9,22,00,000/-. They have disclosed the names of other person Sajid Ahmad Hussain Sayyad.

4. It is guided in the case of **Central Bureau of Investigation Vs. V. Vijay Sai Reddy, AIR 2013 SC 2216** that while granting bail, the Court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with,

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the larger interests of the public/State and other similar consideration. On these backgrounds, this matter is to be considered.

5. As per the case diary, police could seize the entire red sandalwood worth of Rs.9,50,00,000/- from the applicants/accused by apprehending them raid-handed. Thus, the nature of accusation is serious. Further, the nature of evidence in support of their committed offence is also strong. Even otherwise, the main accused Sajid Ahmad Hussain Sayyad who is wanted, yet could not be found. In such circumstances, if the applicants/accused are released on bail only against small amount of bail, there is much more possibility of their being absconded without having completed the investigation and in that case, it will be impossible for the police to investigate the matter thoroughly and to reach to the alleged racket, which is involved in committing economical offence affecting the natural resources of the country and of huge amount. Therefore, this is not the stage to consider the bail application. Hence, following order:

ORDER

Criminal Bail Application No.282/2019 stands rejected.

(Dictated and Pronounced in open Court).

Date : 18.3.2019

**(D.D.KHOCHE)
ADDL.SESIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI**

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Dictated on : 18.03.2019

Transcribed on : 18.03.2019

Checked & corrected on : 21.03.2019

Signed on : 25.03.2019

Sent to Dept. on :

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Order

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER”

25.03.2019 AT 12.42 PM.

MRS.M.S.PENDKHALKAR

Name of the Judge (With Court Room No.)	HHJ D.D.KHOCHE (Court Room No.8)
Date of Pronouncement of ORDER	18.03.2019
ORDER signed by P.O. on	25.03.2019
ORDER uploaded on	25.03.2019