

B.A.1540/2024

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MHCC020095942024



**IN THE COURT OF SESSIONS FOR GREATER BOMBAY
AT BOMBAY**

CRIMINAL BAIL APPLICATION NO.1540 of 2024

IN

C.R.NO.396 OF 2024

Mr. Aryan Shabab Husain Shaikh

Age : 24 years, Occ : Cable

Pulling, R/o. Room No.02, Gali

No.04, Sant Gyaneshwar Nagar,

Bandra (E),Mumbai-400 051

Presently lodged in Central

Prison

...Applicant

Vs.

State of Maharashtra

(Through Kherwadi Police

Station)

...Respondent

**CORAM: HH THE ADDL.SSESSIONS JUDGE
SHRI. V. M. SUNDALE
(Court Room No.27)**

DATE : 06th July 2024

Shri Wahab Shaikh, learned advocate for applicant.

Shri Ramesh Siroya, learned APP for State/Respondent.

ORDER

01. The applicant Mr. Aryan Shabab Husain Shaikh has filed

this application under Section 439 of the Code of Criminal Procedure for granting bail in connection with Crime No.396/2024 registered with Kherwadi, Police Station Mumbai for the offences punishable under Section 399, 402 of the Indian Penal Code, under Section 3, 4 and 25 of the Indian Arms Act and under Section 37(1)(A), 135 of the Maharashtra Police Act 1951, on the allegations that the applicant and co-accused assembled for the purpose of committing dacoity and making preparation to commit dacoity.

02. The investigating officer through learned A.P.P. filed reply (Exh.02) and strongly opposed the application. It is contended that in the course of investigation it is transpired that the applicant has committed serious offence. The offence is serious and investigation is in progress. The applicant is having criminal antecedents. In such circumstances, if the applicant released on bail there is possibility of pressurizing the prosecution witnesses and fleeing away from justice. Hence, the investigating officer prayed to reject the application.

03. Heard Shri Wahab Shaikh, learned advocate for applicant and Shri Ramesh Siroya, learned APP for the prosecution.

04. I have carefully gone through record with reference to the submission of both the sides. The name and role of applicant is specifically mentioned in the First Information Report. It is alleged that on 08/05/2024 at about 3.15 a.m. the applicant and co-accused in furtherance of their common intention assembled at Government Colony, building no.10 for purpose of committing dacoity and also making preparation to commit dacoity by possessing country made pistol and other weapons. The investigating officer strongly opposed the application mainly on the ground that the investigation is in progress

and the applicant is having criminal antecedents. It appears that Crime No.928/2022 for the offence punishable under Section 379 r/w. 34 of the Indian Penal Code, Crime No.254/2023 for the offence punishable under Section 8 r/w. 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Crime No.267/2023 for the offence punishable under Section 8 r/w. 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Crime No.944/2023 for the offence punishable under Section 379 of the Indian Penal Code are already registered against the applicant in Kherwadi Police Station, Mumbai. The offence under Section 399 of the Indian Penal Code is serious and punishable with imprisonment for a term which may extend to 10 years. The offence is serious and the investigation is in progress. The apprehension placed on record by the investigating officer are well founded. In the facts and circumstances of the case, the applicant is not entitled to release on bail. Hence, the following order is passed.

ORDER

1. Criminal Bail Application No.1540 of 2024 is rejected.
2. Thus, Criminal Bail Application No.1540 of 2024 stands disposed of.



(V. M. Sundale)
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

06/07/2024

Dictated on : 06/07/2024
Transcribed on : 08/07/2024
Signed on : 08/07/2024

<u>CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."</u>		
Upload Date	Upload Time	<u>Name of Stenographer</u>
08/07/2024	5.00 p.m.	Mrs. M.S. Putta
Name of the Judge (With C.R. No.)		HHJ Shri VM.Sundale (C.R.No. 27)
Date of Pronouncement of JUDGEMENT /ORDER		06/07/2024
JUDGEMENT /ORDER signed by P.O. on		08/07/2024
JUDGEMENT /ORDER uploaded on		08/07/2024