

CNR No.MHCCO3-000322-2019.

**IN THE SESSIONS COURT FOR GR.BOMBAY
AT BOMBAY**

BAIL APPLICATION EX.3
IN
SESSIONS CASE NO.93 OF 2019
(C.R.NO.4223 OF 2018)

Mohammad Shadab Farooqui
Age:26 years, Occ:Cook,
R/o.Mohalla Shoukin Garden,
Siladi Road, Tal:Siladi, Merath,
Uttar Pradesh.

**.. Applicant/
Accused**

V/s

The State of Maharashta
(at the instance of Kurla Railway
Police Station)

.. Respondent

Appearances:

Mr. Pramod Kumbhar, Adv. for applicant/Accused.
Mrs. Veena Shelar, APP for State/Respondent.

Coram : R. M. Sadrani
Addl. Sessions Judge
C.R. No.23.

DATED : 11th February, 2019.

ORDER

1 This is bail application U/s.439 of Code of Criminal Procedure(hereinafter referred to as "Cr.P.C.) for the grant of regular bail to the applicant Mohammad Shadab Farooqui in C.R.No.4223 of 2018 of Kurla Railway Police Station, Mumbai for the offence punishable U/s.328, 379, 411 r/w. 34 of Indian Penal Code(hereinafter referred to as IPC).

2 Learned Adv. Mr.Pramod Kumbhar for the accused/ applicant argued that applicant was arrested on 28/11/2018. Since, then, he is behind bars. As per allegations in the FIR, accused No.2 and one absconded accused both committed theft of mobile in the railway. Present applicant purchased mobile. He argued that present applicant was not aware about theft. Mobile is recovered. So far as present applicant is concerned, only Section 411 of IPC may be attracted which is punishable upto three years or fine or both. He requested that accused be released on bail.

3 On the contrary, learned APP Mrs. Veena Shelar for the State and Investigation Officer opposed the application and inter alia submitted that investigation is over and matter is committed for trial to this Court. Applicant purchased the stolen property and stolen property is recovered at the instance of present applicant. So, applicant committed offence. Both requested to reject the application.

4 After hearing both the sides, I go through the record. Considering the nature of allegations against the present applicant and as he is behind bars since 28/11/2018, further nature of punishment, I am inclined to allow the application. Hence, I pass following order.

ORDER

1 Bail Application Ex.3 is hereby allowed.

2 Applicant Mohammad Shadab Farooqui in C.R.No.4223 of 2018 of Kurla Railway Police Station, Mumbai for the offence punishable U/s.328, 379, 411 r/w. 34 of Indian Penal Code be released

on executing PR bond of Rs.15,000/- with one surety of same amount.

3 Inform Kurla Railway Police Station accordingly.

4 Applicant to furnish his detailed address, phone number to this Court at the time of furnishing bail.

5 Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against himself so as to dissuade him from disclosing such facts to the Court or to any police officer.

6 Applicant shall not leave India without previous permission of the Court.

7 Provisional cash bail is granted for a period of two months.

8 Bail Application is disposed off accordingly.

(R. M. Sadrani)

Addl. Sessions Judge, Sessions Court,
Gr. Mumbai

Dated :11/02/2019.

Dictated on :11/02/2019.

Transcribed on :11/02/2019.

Signed on :11/02/2019.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

UPLOADED ON: 12/02/2019.

TIME:11.15 a.m.

(Santosh B. Sawant)

(H.G. Stenographer)

Name of the Judge(with Court Room No.)	Shri. R. M. Sadrani, Judge, C.R.No.23.
Date of pronouncement of Judgment /Order	11/02/2019.
Judgment/Order signed by P.O. on	11/02/2019.
Judgment/Order uploaded on	12/02/2019.