

Sessions Case No. 96 of 2023

State of Maharashtra

Vs.

Accused No. (1) - Sadik Yusuf Patel**ORDER BELOW EXH. 53**

Accused No.(1) **Sadik Yusuf Patel** has filed this application for grant of bail under Section 439 of the Code of Criminal Procedure.

[2] **Brief facts of the prosecution case are as under :-**

Informant – Abdul Salam Nijamuddin Khan is serving as Recovery Agent in K.D. Ispat India, which is running business of tin sheets and iron angles. On 25.04.2023 at about 9.30 a.m., the informant along-with his relative Niyaj Ahemad started their work of recovery of money from their customers. Both of them were on their motorcycle bearing Reg.No. MH.-41/-AU-7729. On that day, till 3.30 p.m., they collected cash of Rs.16,93,500/- from various customers and proceeding by their motorcycle towards Malegaon from Nampur. When they reached near Jai Shankar Petrol Pump at Wadner, one white coloured Bolero Jeep came from their backside and gave them dash, due to which they skidded upto 50 feet on the road. Thereafter, the said Bolero Jeep stopped. Suddenly, two persons

came there on one black coloured Pulsar motorcycle, out of them one snatched bag containing the said cash of Rs.16,93,500/- from the informant and fled away. In the said incident, the informant and his relative Niyaj sustained injuries. The by-passers took them to Civil Hospital, Malegaon. Police came there and recorded statement of the informant. Accordingly, crime vide C.R.No. I-131/2023 under sections 394 read with section 34 of the IPC, came to be registered.

[3] Accused No.(1) – **Sadik Yusuf Patel**, was arrested on 28.04.2023. Investigation is completed and the charge-sheet is filed. Hence, he has filed this application for grant of bail.

[4] I have heard both the sides and perused the material placed on the record.

[5] It appears that the present accused was forwarded to police custody remand. During the period of police custody, cash of Rs.50,000/- has been seized from him. According to the prosecution case, this accused Snatched the said bag containing cash from the informant. To connect this accused with this crime, his test identification parade was conducted and he was identified by the witnesses in the said test identification paret. Thus, there is prima facie evidence to connect this accused with this crime. No doubt investigation of the crime is completed and the charge-sheet is filed. However considering the prima facie evidence against this accused, filing of the charge-sheet cannot

be the sole ground for grant of bail. **Six** criminal cases of similar nature are pending against this accused. In the circumstances, if the accused is granted bail, possibility of his absconding and tampering with the prosecution evidence cannot be ruled out. I am, therefore, not inclined to grant bail to this accused. In the result, the application deserves to be rejected. I, therefore, pass the following order. :-

ORDER

Application is hereby rejected.

(S.B. Bahalkar)

Additional Sessions Judge,
Malegaon.

Date : 21.10.2023