

Order passed below Ex. No. 21 in Sessions Case No. 775/2016

1] This is third bail application by accused Amir Riyazuddin Shaikh under section 439 of the Code of Criminal Procedure.

2] Briefly stated the prosecution case against the accused is that the informant was going in his Chevorlet Car and in front of Wadia college bridge he has stopped the car to urinate and then at that time two accused came on motorcycle and they took up quarrel with him by saying that he has not properly parked the car and in the mean time other accused also reached on the spot and then they took him in his car, threatened him to cause injuries, robbed Rs 10,000/- which were in his pocket, made him to withdraw Rs 18,000/- from his ATM cards and then when they stopped the car near Kavsarbaug Mashid, two accused got down and then he pushed them and ran away to Filmist Harmony Building and from there he went at Poolgate, called key of his car from his house and then filed complaint.

3] As per the applicant he is innocent, has not committed any offence, he has not played any role in commission of offence, he is from respectable family, FIR has been lodged against unknown persons, there are no overtact attributed to him, there are no criminal antecedent, offence is not punishable with death or imprisonment for life. Chargesheet is filed. He is in custody for more than six months. Co-accused has been released on bail after filing of chargesheet, therefore, in changed circumstances his bail application be allowed.

4] Ld. APP opposed the application and submitted that the accused has kidnapped the complainant and forcefully taken in his car , beaten him, taken his mobile and cash from his pocket and also taken his ATM card, withdraw the amount. This accused is identified by the complainant and therefore, bail be rejected.

5] Perusal of chargesheet indicate that this accused was arrested in July 2016 and since then he is in custody. Investigation is complete, chargesheet is filed. The offence is under sections 363 and 395 of the Indian Penal Code and these offences do not prescribe punishment for death or imprisonment for life. Similarly placed accused has been released on bail. Therefore, considering all above circumstances and also on the principle of parity the application deserves favourable consideration. Concerns of the prosecution can be taken care of by imposing certain conditions on the accused. Hence following order.

Order

1] The application is allowed.

2] The applicant Amir Riyazuddin Shaikh be released on PB of Rs 25,000/- and one or two sureties in the like amount.

3] The accused shall not tamper with the prosecution evidence.

4] The accused shall not threaten, influence, pressurize any of the person acquainted with the prosecution case.

5] while on bail the accused shall not indulge in

similar offence.

6] The accused shall attend each and every date in the court, unless his absence is excused by the court.

dt 31-3-2017 [P. Y. Ladekar]
Addl. Sessions Judge, Pune.

I affirm that the contents of this P. D.F. File judgment are same word for word as per original judgment.

Name of Steno- Smt. R. S. Urde,
Court Name- Shri P. Y. Ladekar,
Addl. Sessions Judge,Pune.

Date- 31-3-2017
Judgment signed by Presiding Officer on 31-3-2017
Date of PDF 5-4-2017