

MHRG170011912019

ORDER BELOW EXH. 28 IN SESSIONS CASE NO.360/2019
(Date : 19/11/2025)

The applicant Kalam Samshuddin Khan has preferred present application for bail U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In short the prosecution case is that, on 21/06/2017 at about 04.30 a.m. informant Bhim Muneshwar Yadav was proceeding from Taloja MIDC to Wada in his truck bearing registration No. MH-06/AC-1936. Suddenly another truck came in front of his truck, due to which he applied break's of his truck. At that time 3 unknown persons came on motorcycle. They laid their motorcycle across the truck and dragged informant out of the cabin of the truck. They demanded money from informant. When informant refused to give them money, they beat him with the aid of knife. They also forcibly took away mobile and cash amount from the possession of informant. The informant thereafter set the criminal law into motion by lodging detailed report with Taloja Police Station. On the basis of report so lodged by informant an offence came to be registered vide c.r. No.118/2017 for the offences punishable under Sections 397 & 397 of IPC.

3. Heard ld. Adv. Smt. Milka Gharat for the applicant and ld. APP Shri. Y. S. Bhopi for the opponent State. Perused application, say filed by opponent state at Exh. 29 and other documents placed on record.

4. Smt. Gharat vehemently argued that the applicant is innocent. He has no nexus with the crime in question. On the ground of suspicion only he came to be arrested in connection with the crime in question. Smt. Gharat further argued that initially the FIR was registered against unknown person. Informant did not recognize the applicant. Nothing has been recovered at the instance of present applicant. The investigation is complete and charge-sheet has been filed in the court. Since 28/03/2018 the applicant is languishing in the jail. Considering the aforesaid circumstances further detention of applicant in jail is not required. He is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Smt. Gharat prayed that applicant be enlarged on bail.

5. Per contra, Shri. Bhopi, the Ld.APP submitted that the offence is serious. The applicant has direct connection with the crime in question. Other co-accused are still absconding. The applicant is resident of Uttarpradesh. He has antecedents. In view of above, if applicant is released on bail, definitely he will flee away for the course of justice and it will be difficult to secure his presence at the time of Trial. Hence Shri. Bhopi prayed that the application be rejected.

6. I have given thoughtful consideration to the submissions advanced by both the Ld. Advocates. I have also gone through the material placed on record. On perusal of papers prima-facie it appears that the FIR was registered against unknown person. During the course of investigation, the applicant came to be arrested in connection with the crime in question. Therefore the possibility of false implication of applicant in the crime in question cannot be ruled out. Furthermore, it is pertinent to note that cash amount and mobile handset have been recovered at the instance of co-accused. Nothing has been recovered from the possession of present applicant. Bail cannot be denied to applicant only on the ground that he has antecedents. The investigation is complete and charge-sheet has been submitted in the court. Since 28/03/2018 the applicant has been languishing in the jail. Taking into account aforesaid aspects, role attributed to applicant and the manner in which the incident in question occurred, I am of the opinion that further detention of applicant in jail is not warranted. So far as the apprehension raised by Ld. APP is concerned, it can be taken care by imposing certain conditions upon applicant. Resultantly, I pass the following order.

-ORDER-

1. The application is allowed.
2. The applicant Kalam Shamshuddin Khan shall be released on bail in Cr.No.118/2017 registered with Taloja Police Station on his executing PR bond in the sum of Rs.50,000/- with one surety in the like amount.

3. The applicant shall attend each date of hearing unless exempted.
4. The applicant shall not leave the State of Maharashtra without prior written permission of the Trial Court.
5. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer.
6. Copy of this order be sent to concerned jail authority.

Panvel
Date :- 19/11/2025

(S. R. Ugale)
Additional Sessions Judge,
Panvel.