

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO. 560 OF 2017

Subhan Mohammad Vakil Khan Vs The State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

Ms. Anjali Patil for applicant.
Ms. Veera Shinde, APP for State.
Mr. Gajanan Rupde, P.I., Wadala T.T. Police Station present.

CORAM : A.S. GADKARI, J.

DATE : 18th April 2017.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.443 of 2015 dated 8.9.2015 registered with Wadala T.T. Police Station, Mumbai under Sections 376, 326, 141, 143, 147, 149 of the Indian Penal Code and under Sections 4, 7, 10, 12, and 17 of the Protection of Children from Sexual Offences Act (POCSO Act).

2] The learned Counsel for the applicant submitted that there are five accused persons named in the present crime out of which four accused have been released on bail. He submitted that the allegations against the present applicant and role attributed to him is same and similar to that of other four accused who have been released on bail and hence on the ground of parity, the applicant may also be released on bail. The learned APP fairly conceded to the said submission.

3] I have perused the record annexed to the application. The co-accused namely Azaruhussain Gulamhussain Khan and Sabir Vakil Khan are released on bail by the learned Special Judge by its Order dated 28th September 2015. It further appears that the accused namely Jhakirali Mohammad Vakil Khan and Saddamhussain Gulamhussain Khan are released on bail by this Court by an Order dated 15th June 2016. The role attributed to the present applicant is same or similar that of the said accused persons and therefore the applicant is entitled to released on bail on the ground of party.

4] In view thereof, the applicant has made out a case for his release on bail.

Hence, the following Order:

- (i) The applicant shall be released on bail on his furnishing PR bond in the sum of Rs.30,000/- with one surety in the like amount.
- (ii) The applicant shall not enter within the jurisdiction of Wadala T.T. Police station and shall mark his presence with Antop Hill Police station on the first day of each month, pending trial.
- (iii) The applicant shall not tamper with the witnesses or evidence, if any manner.
- (iv) On his failure to comply with any of these conditions, prosecution shall move application for cancellation of bail.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)