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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.879 OF 2015
(THROUGH POST)**

WITH

CRIMINAL APPLICATION NO.1057 OF 2015

IN

CRIMINAL BAIL APPLICATION NO.879 OF 2015

WITH

CRIMINAL APPLICATION NO.866 OF 2015

IN

CRIMINAL BAIL APPLICATION NO.879 OF 2015

Mustafa Hakimuddin Bohra ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Balasaheb Deshmukh, for the Applicant.

Ms.S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 16th JUNE, 2017

P.C. :

1. This is an application filed by the applicant through Post, seeking his enlargement on bail in connection with C.R.No.206 of 2014

registered with the Bund Garden Police Station, Pune for the alleged offences punishable under Sections 328 and 379 of the Indian Penal Code.

2. Mr.Deshmukh, appointed Advocate for the applicant submitted that there is no material to show the complicity of the applicant in the present case. He submitted that the applicant has not been named in the FIR and that the complaint has been lodged as against Chandan Chatterjee and Others. He submitted that no Test Identification Parade was held. He submitted that similarly placed co-accused - Riyaz @ Munna Khan and Arvind Patel have been enlarged on bail and that the role of the applicant is similar to that of the co-accused, who have been enlarged on bail. He further submitted that there is no recovery at the instance of the applicant. He submitted that it appears, that there are 2 antecedents as against the applicant, however he has no instructions as to what is the nature of the offence.

3. Learned APP does not dispute the fact, that the applicant has not been named in the FIR. She submitted that the applicant has been convicted on 27th February, 2017 and that he is presently lodged in

Sabarmati Jail, Gujarat. She has tendered a report in support the same. She also does not dispute the fact, that no test identification parade is held in the present case. She is unable to throw light with regard to the nature of the antecedents, as against the applicant. She does not dispute the fact, that similarly placed co-accused - Riyaz @ Munna Khan and Arvind Patel have been enlarged on bail and that the role of the applicant is similar to that of the co-accused, who have been enlarged on bail.

4. Perused the papers. The incident in question has taken place on 25th August, 2016. The FIR has been registered on 28th August, 2014 and the applicant was arrested on 11th September, 2014. The allegation are that all the accused hired a vehicle and administered chloroform in a drink, to the complainant and thereafter took the car and sold it in Gujarat. Admittedly, the name of the applicant is not disclosed in the FIR nor any test identification parade is held. There is no recovery of any article at the instance of the applicant. Similarly placed two co-accused have been enlarged on bail.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

ii) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. Learned APP states that the Investigating Officer shall communicate the aforesaid order to the Jailor, Sabarmati Jail, Gujarat, who in turn will inform the applicant.

9. In view of the disposal of Criminal Bail Application No.879 of 2015, Criminal Application Nos.1057 and 866 of 2015 do not survive and the same are disposed of.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)