

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

CRIMINAL BAIL APPLICATION NO. 1546 OF 2017

Ahmedullah Habibullah Ansari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. R. D. Suryawanshi for the applicant.

Mr. Deepak Thakare, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.
DATE : 1st AUGUST, 2017

P.C. :

1. This is an application for bail. The applicant is arrested on 2nd February, 2017 in connection with C.R. No.I-287 of 2016 registered with Bhiwandi Police Station. The offences were registered under sections 420, 465, 468, 471 read with 34 of IPC.

2. It is the prosecution case that the present applicant alongwith other accused had procured thousand of SIM cards which were activated on the basis of forged documents. It is alleged that the applicant and the co-accused Nayan Prakash Gupta had purchased SIM cards from the other accused and sold activated SIM cards to the

customers. The investigation is completed and the chargesheet has been filed.

3. The co-accused had preferred an application for bail before this Court viz. Bail Application No.880 of 2017 which has been granted vide order dated 4th May, 2017 where the accused Prince Tej Bahadur has been granted bail. Similarly, the other accused had also preferred an application for bail before this Court viz. Bail Application no.1287 of 2017 and the said accused namely Durgesh Ramprasad Gupta had been granted bail by this Court vide order dated 11th July, 2017.

4. Learned advocate for the applicant submits that the applicant is entitled for bail on parity in view of the orders granting bail referred to hereinabove. It is submitted that the applicant is not involved in forgery of SIM Cards which role has been assigned to the other accused. The case of the applicant is similarly placed with the persons who are granted bail by this Court. Learned advocate for the applicant submitted that there are no antecedents against the applicant.

5. Learned APP opposed the application for bail. It is submitted that the accused have acted in connivance with each other. They were involved in serious crime of fabrication of SIM cards which were activated and sold to the customers at higher prices. All of them have played vital role.

6. Perused the chargesheet and the orders passed by this court. The role assigned to the persons who have been granted bail as referred hereinabove appears to be similar to the role attributed the applicant. The investigation is completed and the chargesheet has been filed. The applicant is in custody since the date of arrest. There are no antecedents against the applicant. Hence, case for bail is made out. Therefore, I pass following order;

:: ORDER ::

- (i) Bail Application No.1546 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No.I-287 of 2016 registered with Bhiwandi City Police Station, Thane on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.

- (ii) The applicant is directed to report Bhiwandi City Police Station, Thane once in a fortnight on Saturday between 11.00 am to 1.00 pm.
- (iii) Application stands disposed of.

[PRAKASH D. NAIK, J.]