

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1403 OF 2016

Abdul Fahim Abdul Mubin Khan.	..Applicant.
vs.	
State of Maharashtra	..Respondent.

Mr. A.R.Salunke for the Applicant.
Ms. P.D.Dabholkar, APP. for the State.

CORAM : A.S. GADKARI, JJ.
DATE : 24th February, 2017

PC:

1. This is the second bail application of the applicant for releasing him on bail. The earlier application preferred by the applicant bearing B.A. No.1631 of 2015 was rejected by this Court on 9.12.2015 on the ground that the applicant was also involved in a case bearing CR No.169/2013 (Correct CR No. is 196/2013) and the trial of the same is pending.

2. The learned counsel for the applicant submitted that as a matter of fact by a Judgment and order dated 28.6.2016 the applicant has been acquitted by the learned Metropolitan Magistrate, 51st Court, Kurla, Mumbai from the

said CR No.196/2013 (Cri. Case No.2072/PW/2015). He further submitted that the co-accused namely Mufeed Shaikh who has been assigned with the same and similar role by the eye witnesses has been granted bail by this Court by an order dated 15.12.2015 in B.A. No.2063/2015.

The learned APP fairly conceded to the said fact mentioned above.

I have perused the entire record produced before me and of the opinion that the applicant is entitled for parity with co accused namely Mufeed Shaikh. The impediment for releasing the applicant on bail i.e. his involvement in CR No.196/2013 ceased to remain in force as he has been already acquitted by the Judgment and Order dated 28.6.2016 by the learned Metropolitan Magistrate, 51st Court, Kurla, Mumbai.

In view of the above, the applicant is entitled for bail on the following terms and conditions.

i) The applicant shall be released on bail in CR No.49 of 2015 registered with Chunabhatti Police Station, Mumbai on his furnishing PR bond of Rs.25,000/-with one or

two solvent sureties in the like amount.

ii) The applicant shall report to the Chunabhatti Police Station on first Monday of every month between 10.00 a.m. and 12.00 noon during the pendency of the trial.

iii) The applicant shall not tamper with and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)