

Anand

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

BAIL APPLICATION NO. 2496 OF 2017

Jani Jafar Husain .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Ganesh Rangayya, Advocate, for the Applicant
Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 96 of 2017 registered with the Gaondevi Police Station, Mumbai, for the alleged offences punishable under Sections 170, 420, 120B r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Smt. Badamiben Gupchand Jain, the incident took place on 06.07.2017 at about 8.30 a. m.. She has stated that when she was going to the Jain Mandir for darshan, in front of Matrumandir building, one person called

out to her and disclosed that he was a police officer and asked the Complainant not to keep the chain on her neck. The Complainant was also asked to remove her bangles. It is alleged by the Complainant that the said two persons kept her chain and bangles in a handkerchief and thereafter, they told her that they had kept her handkerchief in her bag and thereafter, they left. She has stated that when she checked the bag, she found that the chain and bangles were missing and that she was cheated. Pursuant thereto, a complaint was lodged as against an unknown persons. During investigation, the Applicant was arrested. Admittedly, the Applicant is not one of the persons who was present at the spot. According to the prosecution, the Applicant was the master mind behind the said crime, and that the Applicant had arranged for the vehicle and the sim card, used in the said case.

4. Learned APP submitted that the Applicant was arrested in connection with the similar case which took place on the very same day. The Applicant is about 60 years of age. The articles have been recovered and have been seized from the accused including the Applicant. The Applicant is in custody since 28.08.2017. Investigation is complete & charge-sheet is filed.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/-** with one or two local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Sunday of every month** between **10:00 a. m. and 11:00 a. m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before

the trial Court and appearing before the investigating officer of the concerned police station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)