

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

**CRIMINAL APPLICATION NO. 28 OF 2019**

|                             |     |            |
|-----------------------------|-----|------------|
| Halim Sobhan Mulla (Mollah) | ... | Applicant  |
| Versus                      |     |            |
| The State of Maharashtra    | ... | Respondent |

Ms. Rati S. Sinhasane a/w Mr. R.A. Naik i/b Mr. Umesh Mankapure for the Applicant.

Mr. Prashant Jadhav, A.P.P. for the Respondent – State.

Mr. Amul Shankar Kadbane, A.P.I. Sangola Police Station, Solapur Rural, present.

**CORAM : P.N. DESHMUKH, J.  
DATED : 13<sup>th</sup> MARCH, 2019.**

**P.C. :**

1            Heard Learned Counsel for the Applicant and Learned A.P.P. Investigating Officer is present.

2            This Application is filed for relaxation of condition imposed upon Applicant by the learned trial Court whereby one of the condition imposed is by way of direction to Applicant to deposit Rs.9,39,666/- before the Court of learned Judicial Magistrate, First Class, Sangola, by way of security amount which is directed to remain till the conclusion of trial. Learned Counsel for Applicant submitted that according to the case of prosecution, main accused in this crime is one Habib Mulla to whom about 983 gram gold was given by informant and others, for making gold ornaments, for polishing, etc. who is absconding. While Applicant along with co-accused Mosiruddin Mulla were working with Habib Mulla, the

absconding accused. It is, therefore, submitted that Applicant as such had no control over the business transactions of absconding accused Habib Mulla, as he was simply working in his workshop. It is also the case of prosecution that said Habib Mulla, co-accused was running said business with the assistance of 10 to 12 labours since for couple of years.

3            Learned Counsel for the Applicant during the course of argument has tendered at bar order of this Court dated 10.01.2019, filed by co-accused Masiruddin Musiyar Mulla praying for modification of similar condition imposed upon him. This Court observing that there is hardly any material on record which could pin-point remote involvement of Applicant, modified order, thereby waiting direction to deposit such amount. As on instructions from Investigating Officer, statement is made by the learned A.P.P. that Applicant's case is similar to co-accused Masiruddin Musiyar Mulla. Application is allowed.

4            The conditions imposed on applicant by order dated 23.08.2018 by Additional Sessions Judge, Pandharpur, directing Applicant to deposit Rs.9,39,666/- before the Court of J.M.F.C. Sangola, stands waived. All other conditions remains as it is.

5            Application disposed of as allowed.

**(P.N. DESHMUKH, J.)**