

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 693 OF 2019**

Abdulla Ahmed Zakeria Sait @ Baba ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rajendra Jugraj Rathod a/w Mr. Ali Bubere for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

API Mr. Laxmikant Salunkhe rom Property Cell, DCB, CID, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 5th JULY 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 142 of 2015 registered with the Nagpada Police Station, Mumbai, (subsequently transferred to DCB CID, Mumbai, and renumbered as C.R. No. 48 of 2015) for the alleged offences punishable under Sections 387, 120-B, 465, 471 r/w 34 of the Indian Penal Code; under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Organized Crimes Act ('MCOC Act').

3 Learned counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused-Tarique Siddique was enlarged on bail by this Court vide order dated 29th March 2019 passed in Criminal Bail Application No. 2287 of 2017. He submits that the allegation as against the applicant is that he was present with Parvez Sheikh at Parvez's visit to Bangalore as well as Mysore jail.

4 Learned A.P.P does not dispute the fact that there is parity with co-accused-Tarique Siddique.

5 Perused the papers. The only material as against the applicant is the confessional statement of co-accused-Parvez Sheikh recorded under Section 18 of the MCOC Act, wherein Parvez Sheikh has implicated himself as well as the applicant herein. Admittedly, Parvez Sheikh was released on bail vide order dated 24th July 2017 passed in Criminal Bail Application No. 2033 of 2016.

6 Considering that there is parity with co-accused-Tarique

Siddique, the applicant is also entitled to be enlarged on bail. Accordingly, the application is allowed on the following terms and 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 sureties in the like amount;
- (ii) The applicant shall attend the office of DCB CID, Mumbai, on the first Monday of every month from 10:00 a.m. to 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 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 shall cooperate with the conduct of the trial and shall appear before the trial Court on every date;

(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 either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.