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

CRIMINAL BAIL APPLICATION NO.1822 OF 2019

Hasan Aziz Irani @Jafrey @Sayyed	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.G.D.Padohilal, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th AUGUST, 2019

P.C. :

1. Learned Counsel for the applicant seeks leave to amend to correct the C.R Number. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-230 of 2018 registered with the Kolsewadi Police Station, Thane, for the alleged offences punishable under Sections 392, 411 r/w 34 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organized Crime Act

(M.C.O.C. Act).

4. Perused the papers. According to the complainant, the incident took place on 2nd May, 2008, when she was returning home with her husband, after attending a wedding of her relative, at about 11.30 p.m. The complainant has alleged that two unknown persons came from behind and snatched her gold mangalsutra worth Rs.60,000/-. During the course of investigation, the applicant along with his mother and another co-accused were arrested. Admittedly, the applicant was not amongst the two unknown persons, who snatched the gold mangalsutra from the complainant. There is no recovery of any article at the instance of the applicant, except the motorcycle allegedly used in the commission of the offence. No doubt, the applicant has few antecedents but antecedents by itself would not be a ground to reject his application for bail. The applicant is in custody since July 2018. Investigation is complete and charge-sheet is filed.

5. Considering the material on record, it is doubtful, whether the applicant is guilty of the offences with which he is charged. The application is accordingly allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. 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.

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

REVATI MOHITE DERE, J.