

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

CRIMINAL BAIL APPLICATION NO. 2287 OF 2017

Tarique Siddique	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Gaurav Parkar for Applicant.
Ms.J.S. Lohokare, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 29th March 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with M.C.O.C. Special Case No. 16 of 2015 in C.R. No. 142 of 2015 registered with Nagpada Police Station, Mumbai, under Section 387, 34 of the Indian Penal Code and DCB CID, Mumbai, C.R. No. 48 of 2015 dated 02/04/2015 for the offence punishable under Section 387, 120(B), 465, 471 read with 34 of the Indian Penal Code and Section 3(1)(i), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA).

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The learned counsel for the applicant submitted that the co-accused, namely, Parvej Ahmed Shaikh, who has given confession under Section 18 of the MCOC Act implicating himself and the applicant herein has been released on bail by this Court by its order dated 24th July 2017 and therefore, the applicant is entitled to be released on bail on the ground of parity.

4] Perusal of the record would indicate that the co-accused Parvej has given a confessional statement under Section 18 of the MCOC Act from which the complicity of the present applicant in the crime has been revealed. It further appears that, the applicant on one occasion had approached the complainant with an offer that the complainant should take Rs.4 crores or two flats in lieu of the commercial premises at Sutarwala Chawl, which was under redevelopment at the relevant time. The role attributed to the applicant in the present crime is the same and/or similar to that of co-accused Parvej Shaikh and therefore, the applicant is entitled to be released on bail on the ground of parity.

5] Hence, following order.

- (i) Applicant be enlarged on bail on his furnishing PR bond in the sum of Rs.1,00,000/- with one or two local sureties in the like amount.
- (ii) Applicant shall attend the D.C.B., C.I.D., Mumbai Office, on every first Monday of the month between 10:00 a.m. and 11:00 a.m., till the conclusion of the trial.
- (iii) Applicant shall inform his latest place of residence and mobile contact 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 investigating agency, in writing.
- (iv) Applicant shall not contact the complainant, witnesses or any person concerned with the case.
- (v) Applicant shall co-operate in the conduct of the trial.

(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 week's after his release.

(vii) It is made clear that, if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

(viii) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]