

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

**CRIMINAL BAIL APPLICATION NO. 2916 OF 2019**

Imran M. Ali

...Applicant

**Versus**

The State of Maharashtra

...Respondent

...

Mr. Mohd. Arif Siddiqui a/w Mr. Irfan Ansari a/w Siraj  
Ansari, Advocates for the Applicant.

Ms. J.S. Lohakare, APP for Respondent-State.

Mr. D.R. Londhe, A.P.I., Kashmirira Police Station.

...

**CORAM : SANDEEP. K. SHINDE, J.**

**DATE : 17<sup>th</sup> JANUARY, 2020.**

**P.C.**

Heard.

1. Applicant is seeking enlargement on bail with Crime No. 510 of 2018 registered with Kashmirira Police Station for the alleged offences punishable under Sections 395, 452, 342, 323, 406, 170 and 120-B, 465, 468, 471 of the Indian Penal Code, 1860 ("IPC" for short) and under Section 25 of Arms Act.

2. Applicant came to be arrested on 27<sup>th</sup> August, 2018.

3. It has been brought on record that out of five, two accused have been released on bail. The investigation in the case is over. The contention is that the trial is not likely to commence and conclude in the near future for which the advocate for applicant submits that that the presence of applicant for trial can be secured by imposing conditions. Additionally, it is also argued that since the two co-accused are released on bail and that the applicant is not even a conspirator, he should be enlarged on bail.

4. I have perused the final report. Complainant alleged that three unknown persons had entered his house at 10:00 am. on the pretext of service of notice wherein the applicant - accused no.5 had allegedly impersonated as Income Tax Officer. After securing the entry in the house, it is alleged the complainant and her husband were also threatened by a pistol and

they robbed them of their valuables including cash worth Rs.4,03,000/-. Thereafter, the report was lodged on 06.08.2018.

5. In the course of investigation, test identification parade was held on 26.10.2018 wherein the complainant and her husband identified the applicant. The ornaments were recovered on voluntary disclosure made by the accused no.1. Learned counsel for the applicant casts a doubt on the authenticity of the test identification parade by contending that the age group of the dummy persons who had allegedly entered in the house is varied.

6. The final report shows statement of one Ajaykumar Billava recorded under Section 164 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short). On 08<sup>th</sup> June, 2018, he had produced certain documents like Income Tax notice issued by the office of the Deputy Commissioner, Identity Card of Income Tax Department issued in the name of one Ranjit Naik,

Identity Card issued by the Home Ministry to Samir S. Patil - Police Sub Inspector, Identity Card issued by State Sudhir S. Shinde Police Sub Inspector. Mr. Ajitkumar in his covering letter dated 07.06.2018 stated that at 09:00 pm., two persons were found at a Cyber Cafe, who were allegedly fabricating and forging the Income Tax notice and the identity card as stated hereinabove in his statement recorded under Section 164 of Cr.P.C.

7. Be that as it may, a copy of the identity card produced by the Billava allegedly including the name of Ranjit Naik and Samir S. Patil alongwith the photograph of accused no.1 - Faiyaz Kazi shows that the accused no.1 was also identified in the test identification parade.

8. Learned APP on instructions has submitted that one more offence is registered against the applicant for impersonation as Income Tax Officer in Crime no.391/2018.

9. Learned counsel for the applicant has pointed out the discrepancy in the statement of Ajitkumar and has submitted that his statement cannot be relied upon. It is to be noted that the offence under Section 395 is punishable with imprisonment for life or with a rigorous imprisonment for a term which may extend to 10 years. The evidence on record *prima facie* shows complicity of the applicant in the crime. It appears the applicant impersonated as Income Tax Officer to commit the said offence. It is also brought on record that with this similar *modus operandi*, another crime i.e. Crime No.391/2018 came to be registered against him.

10. In view of the evidence on record though the investigation is over, in my view it is not a fit case to release the applicant on bail. So far as the other accused who were released on bail is concerned, it appears they were not amongst those three persons who had entered in the house of the complainant.

11. For the reasons stated above, the application is rejected.

12. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial in other proceedings.

*(SANDEEP. K. SHINDE, J.)\_*