

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

BAIL APPLICATION NO. 2896 OF 2021

Ramjan Ali Jaish Mohd. Shaikh.

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Nadeem M. Shaikh for the Applicant.

Mr. S.H.Yadav, APP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 24th MARCH, 2022.**

P.C.

1. This is an application under Section 439 of Cr. P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 625 of 2021, on the file of the learned Sessions Judge, Thane, for offences punishable under Section 394, 341, 397 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and the learned APP for the State.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Matibulhaq Mohd. Faruk Shah. A perusal of the FIR reveals that on 18.12.2020 at about 3.00 p.m., while the Complainant and his four friends were walking from Shantinagar to Vijay Nagar Masjid, three boys in the age group of 18 to 19 years abused them, snatched the mobile phone and cash from their possession and assaulted them. The Applicant was

subsequently arrested and one of the stolen phones of Vivo Company, Model was recovered from his possession. Apart from this recovery, there is no other prima facie material to show involvement of the Applicant in commission of the said crime. The Applicant is in custody since 31.12.2020. It is stated that the trial has not yet commenced, and considering the large pendency of matter the trial is not likely to be concluded in near future.

4. Learned APP states that the Applicant is also facing trial for offence under Section 302 of IPC. Suffice it to say, release of the Applicant in this crime will have no bearing on the trial of the said case.

5. Under the circumstances, the Application is allowed on the following terms:

- i) The Applicant is ordered to be enlarged on bail on furnishing Bail Bond in the sum of Rs.35,000/- (Rupees Thirtyfive Thousand Only) with one or two solvent sureties in the like amount;
- (ii) After release from jail, the Applicant shall report to the Investigating Officer or Senior P.I. of Shanti Nagar Police station on first Monday of every month from 10.30 a.m. to 2.00 p.m. until further orders.
- (iii) The Applicant shall attend the trial court on each and every date of hearing till conclusion of the trial;
- (iv) The Applicant shall not interfere with the witnesses or tamper with

the evidence in any manner ;

v) The applicant shall keep the Investigating Officer/Sessions Court informed of his local / permanent address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;

. Application is accordingly disposed of.

PRASANNA P
SALGAONKAR
Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2022.03.28
17:46:54
+0530

(ANUJA PRABHUDESSAI, J.)