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

BAIL APPLICATION NO. 3282 OF 2022

Firoz Abdul Rehman Shaikh ..Applicant
VS.
State of Maharashtra ..Respondent

Ms. Keral Mehta a/w Mr. Niranjan Mundargi, for applicant.
Mr.S.V. Gavand, APP for respondent-State.
API-Prashant Tayade, Vashi Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2022

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** The applicant is arraigned as accused in C.R. No. I-392 of 2017 registered with Vashi Police Station for the offences punishable under sections 395, 341, 342, 400, 120-B of the Indian Penal Code read with sections 3 and 25 of the Arms Act and section 135 of the Maharashtra Police Act as well as the provisions of sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act,

1999.

3. Learned counsel for the applicant invites my attention to page 1219 of paper-book by which co-accused no. 7-Fahim Akhtar Abdul Majid Khan was released on bail by a detailed order. So far as the present C.R. is concerned, this is the first offence registered against the applicant. From the present applicant, cash of Rs.12,50,000/-, ornaments worth Rs.10,000/- and on other occasion, cash of Rs.5,50,000/- was recovered along with one toy gun. The role of the applicant is absolutely identical with that of co-accused no. 7-Fahim Akhtar Abdul Majid Khan who has been granted bail. The applicant is in custody for more than 5 years. There is no possibility of trial concluding any time soon. The applicant is not a gang-leader. For the reasons mentioned in the order dated 25/11/2021 in Bail Application No. 343 of 2020, even present applicant deserves to be released on bail on the same terms. Hence, the following order.

ORDER

(a) The applicant-Firoz Abdul Rehman Shaikh shall be released on bail in connection C.R.No. I-392 of 2017 registered with Vashi Police Station pertaining to Specail Case No. 5 of 2018, on executing P.R. bond in the sum of Rs.20,000/- and furnishing at least one local surety in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence;

(c) The applicant shall mark his attendance in the Special Court dealing with MCOC Special Case No. 5 of 2018, once in every month, till framing of the charge.

4. The bail application is allowed in the aforesaid terms.

(M. S. KARNIK, J.)