

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

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BAIL APPLICATION NO.51 OF 2023

Momeen Ali Md. Khan ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Ms. Ridhima Mangaonkar, for the Applicant.
Ms. P. N. Dabholkar, APP for the State.
API- Mr. D.R. Jarwal, Dombivali Railway Police Station is
present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail filed by accused no.4 in respect of C.R.No. 75 of 2022 dated 06/04/2022 registered with Dombivali Railway Police Station for the offence punishable under sections 384, 387, 364A, 342, 504, 120(B), 465, 468, 470, 471, 170, 171, 420, 34 of the Indian Penal Code, 1860.
- 3.** The other 3 co-accused have been released on bail.

The applicant seeks parity with co-accused Sunil Haricharan Sharma and Sukhakaran Atmaram Bishnoi who were released on bail by an order dated 15/12/2022 in Bail Application No. 3245 of 2022 passed by this Court. The said order reads thus :

"2. This is an application for bail by the applicants - Sunil Haricharan Sharma and Sukhakaran Atmaram Bishnoi in connection with C.R. No. 75 of 2022 registered with Dombivali Railway Police Station, under sections 384, 387, 364A, 342, 504, 506, 120B, 465, 468, 470, 471, 170, 171, 420 read with section 34 of the Indian Penal Code, 1860.

3. Applicants are original accused nos. 1 and 3. The original accused no. 2 was granted bail by the order dated 28/11/2022 of this Court.

4. It is contended by the learned APP that the applicant no. 1 was driver of the vehicle which was used for the commission of the offence. It is submitted that the statement of the relatives of applicant no. 1 from whom vehicle was taken by the applicant no. 1 has been recorded. The applicant no. 2 who is original accused no. 3 has been identified in the test identification parade by the complainant. The details have been spelt out in the order dated 28/11/2022. The charge-sheet has been filed on 07/07/2022. Applicants were arrested on 11/04/2022 and 12/04/2022 and since then they are in custody, almost for the period of 8 months.

5. I have not referred to the facts in detail, as the same are narrated in the order dated 28/11/2022, on the basis of which the original accused no. 2 was admitted to bail. In this view of the matter, I have no hesitation in releasing

applicants on bail since the investigation is completed and the charge-sheet has been filed. As stated earlier, the applicants are in custody for more than 8 months. There is no need to prolong the custody of the applicants as the trial is not likely to conclude anytime soon. There are no criminal antecedents reported against the applicants. The applicant no. 1 is from Rajasthan and applicant no. 2 is from Haryana. To procure their presence for trial, it is necessary that the applicants attend regularly before the Investigating Officer.”

4. As the other co-accused who are having similar role are released on bail, in view of the order dated 15/12/2022, even the present applicant can be released on bail. Hence the following order.

ORDER

(a) The applicant – Momeen Ali Md. Khan in connection with C.R. No. 75 of 2022 registered with Dombivali Railway Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties of the like amount.

(b) The applicant shall report to the concerned police station once in two months i.e. on first Monday of every alternate month between 10.00 a.m. and 12.00 noon starting from February 2023.

(c) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

5. The application is disposed of.

(M. S. KARNIK, J.)