



Diksha Rane

51. BA 276-23.doc

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

**BAIL APPLICATION NO.276/2023**

MOHAMMED HAMEED MOHD.

YUSUF SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

-----  
Adv. Misbaah Solkar a/w. Adv. Gaurav Shenoy, Adv. Lavanya  
Salve for the applicant.

Ms. Veera Shinde, APP for the State.

PSI Rajaram Bagve, Pant Nagar Police Station.  
-----

**CORAM : M. S. KARNIK, J.**

**DATE : DECEMBER 4, 2023.**

**P.C. :**

- 1.** Heard learned counsel for the applicant.
- 2.** The application for bail is opposed by learned APP for the State.
- 3.** This is an application for bail in respect of the offence punishable under Sections 394 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 6/9/2020 vide C.R. No.559/2020 with Pant Nagar Police Station.
- 4.** Learned counsel for the applicant invited my attention to the order dated 14/11/2022 passed by this Court in

respect of Criminal Bail Application No. 1599/2021 enlarging the accused no.5 – Shakir Khwaja Peer Sayyed on bail.

**5.** The applicant is the accused no.4. The detailed facts are set out in the order dated 14/11/2022 passed in Criminal Bail Application No. 1599/2021. I have perused the relevant materials. From the materials it is seen that the applicant was not present at the time of actual commission of the incident but the accusation is that he received the stolen property from one of the accused. The applicant later passed on the stolen property which is a broken 'Mangalsutra' to the accused no.5.

**6.** The applicant was arrested on 14/9/2020 and now is in custody for more than three years and two months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk.

**7.** For the reasons mentioned in the order dated 14/11/2022 in respect of the co-accused no.4, I am of the opinion that even the present applicant can be released on bail on the ground of parity. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant- Mohammed Hameed Mohd. Yusuf Shaikh in connection with C.R. No.559/2020 registered with Pant Nagar Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.30,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.30,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Pant Nagar police station on first Tuesday of every trimester between 3.00 p.m. to 5.00 p.m. till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (h) The applicant shall surrender his passport, if any, to the investigating officer.

**8.** The application is disposed of.

**(M. S. KARNIK, J.)**