



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

BAIL APPLICATION NO. 676 OF 2023

AZIZ MUKHTAR MALIK

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. B.M. Shaikh a/w Mr.Khwaja B. Tabrez, Ms. Purvi P. Palkar i/b Mr. Afroz Momin, for the applicant.

Mr. N. B. Patil, APP for the State.

Mr. K.H. Jadhav, Shantinagar Police Station, Bhiwandi present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 27, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 379, 413, 201 read with 34 of the Indian Penal Code, 1860 registered on 13/06/2022 vide C.R. No.346 of 2022 with Shantinagar Police Station, Thane city.

3. There are in all 2 accused. The applicant is accused no.1. The applicant was arrested on 04/07/2022.

4. The case of the prosecution is that on 08/06/2022, the

complainant parked his Bolero Pick-up on the road in front of Shantinagar, Pirani Pada Salauddin Ayubi School at Bhiwandi. On 09/06/2022 at 8.00 p.m., he noticed that Bolero Pick-up was not there. The complaint came to be lodged.

5. Learned APP vehemently opposed the application for bail. It is submitted that this is the 3rd offence. It is further submitted that just one month prior to the present offence, the applicant was charged with the similar offence and while on bail, he committed the present offence. According to learned APP the applicant is the master mind who induces his known acquaintances to steal the vehicles and after the vehicle is handed over to him, the parts are dismantled. Learned APP does have a justification in opposing the application for bail as just one month post the registration of a similar offence against the applicant, the applicant is accused of committing the present offence. The vehicle in question had been dismantled. Only some of the parts of the vehicle have been recovered. The investigation is complete. The charge-sheet has been filed. Considering that the applicant is now in custody for more than 1 year i.e. almost 14 months with possibility of trial concluding any time soon appearing to be remote, I am inclined to enlarge the applicant on bail by imposing stringent

conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aziz Mukhtar Malik in connection with C.R. No. 346 of 2022 registered with Shantinagar Police Station, Thane City shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the investigating officer of Shantinagar Police Station, Thane City police station once in a month on every first Saturday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of trial.
- (d) The applicant shall report to the Dhule police station once in a week on every Sunday of the month between 11.00 a.m. and 1.00 p.m. till conclusion of trial.
- (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 not leave the State of Maharashtra without permission of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)