



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

BAIL APPLICATION NO. 1038 OF 2023

DEV OMAR MANDAL @ WASHID
OMAR MANDAL @ AASIT AMARSING
MANDAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sana Shaikh for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 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 Section 370(3) read with 34 of the Indian Penal Code and Section 5 of the The Immoral Traffic (Prevention) Act, 1956, registered on 10/01/2019 vide C.R. No.9 of 2019 with V.P. Road Police Station.

3. The applicant was arrested on 10/01/2019. Learned APP opposed the application contending that the offence is

serious in nature. My attention is invited by learned APP to the statement of the victim which according to her clearly reveals that the accusations against the applicant for committing the aforesaid offence are clearly made out. It is further contended that the co-accused who has been enlarged on bail has been absconding and Non Bailable Warrant (NBW) is issued against him.

4. So far as the trial is concerned, I am informed that only charges have been framed. The trial is likely to take a long time to conclude. The applicant is in custody for more than 4 years and 10 months. The investigation is complete and the charge-sheet has been filed. As per learned counsel for the applicant, there are no criminal antecedents reported against the applicant. The contention of the learned APP regarding the issuance of NBW against the co-accused can not be a ground to deny the applicant the facility of bail considering the long incarceration of the applicant as an undertrial. In this view of the matter, I am inclined to enlarge the applicant on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Dev Omar Mandal @ Washid Omar Mandal @ Aasit Amarsing Mandal in connection with C.R. No.9 of 2019 registered with V.P. Road Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of V.P. Road police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (e) 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.
- (f) The applicant shall not leave the state of Maharashtra without prior permission of the trial Court after being released on bail, till the trial concludes.
- (g) The applicant shall attend the trial regularly. The

applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)