

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

CRIMINAL BAIL APPLICATION NO. 1471 OF 2023

Tufel Ahamad Mohammad Isaq Khan

..Applicant.

Versus

State of Maharashtra

..Respondent

Dr. Uday P. Warunjikar a/w. Sonali R. Chavan for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 13 SEPTEMBER 2023

PC :

1. The applicant is seeking his release on bail in connection with C.R.No.474 of 2020 registered at Vimantal police station, District Pune, under sections 489, 489-A, 489-B, 489-C, 420 and 120-B r/w. 34 of the Indian Penal Code (for short 'I.P.C.').

2. This is the second bail application preferred by the same applicant before this Court. Earlier, he had preferred Criminal Bail Application No.391 of 2021. It was argued with other Criminal Bail Application No.775 of 2021 preferred by a co-accused Abdul Rehman Abdul Gani Khan. On 16.03.2021, both these applications were allowed to be withdrawn unconditionally, but the trial was

expedited. Till today, only one witness is examined and the trial is not likely to get over in the near future. In the meantime, all the accused except the present applicant are released on bail. Significantly, co-accused Abdul Rehman Abdul Gani Khan whose bail application was withdrawn along with the present applicant's previous bail application No.391 of 2021 before this Court; was granted bail by the Hon'ble Supreme Court vide the order dated 12.12.2022 passed in Petition for Special Leave to Appeal (Crl.) No.10228 of 2022. Therefore, in the changed circumstances the present application is filed.

3. I have heard Dr. Uday Warunjikar, learned counsel for the applicant and Shri. S. H. Yadav, learned APP for the State.

4. The prosecution case is that, on prior information the officer of Anti Extortion Cell, Crime Branch, Pune City, arranged to conduct raid. They arranged for Rs.25 lakhs in genuine currency notes. They contacted the suspects. Four persons approached the police and a bogus customer They verified the genuine notes and brought them to one bungalow to show the Indian Currency Notes

and the dollars. There was one more room in that bungalow. The present applicant, the aforementioned co-accused Abdul Gani Khan and four other accused were found in the bungalow. The applicant was sitting in the hall. The co-accused Abdul Gani Khan and Sunil Sarda were found in the room. The fake currency notes of the Indian currency and the fake dollars in huge quantity were found in that room. The accused were arrested and the F.I.R. was lodged. The charge-sheet includes statements of the raiding party members and the bogus customer Jayant Muley. Their statements are consistent. Thus, there is sufficient material against the applicant. However, learned counsel for the applicant prays for bail on the ground of parity. He invited my attention to the orders passed in favour of the co-accused who are granted bail by the Sessions Court and by the Hon'ble Supreme Court.

5. Shri. Yadav, learned APP submitted that the offence is serious and the trial has already commenced, one witness is examined and, therefore, bail should not be granted to the applicant.

6. I have considered these submissions. Undoubtedly, the offence is serious and there is material against the applicant. However, all the other accused are on bail. The applicant's case is on the same footings as that of Abdul Gani Khan who was found in the room where the fake currency notes were stored. The applicant was found in the outer hall, therefore, his role is on slightly better footing than that of Abdul. The said co-accused is granted bail by the Hon'ble Supreme Court, as mentioned earlier. The other accused are granted bail by the Sessions Court. The applicant was arrested on 11.06.2020 and since then he is in custody. Therefore, on the ground of parity and on the ground that the trial is not likely to get over in near future, the applicant deserves to be released on bail.

7. Hence, the following order:

ORDER

- i) In connection with C.R.No.474 of 2020 registered at Vimantal police station, District Pune, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/-

(Rupees Twenty Five Thousand Only) with one or two local sureties in the like amount.

- ii) The Applicant shall furnish his residential address to the Investigating Officer before he is released on bail.
- iii) The Applicant shall attend the concerned police station once in a fortnight till the trial is concluded.
- iv) The Applicant shall attend all the dates in the Trial Court, unless exempted by the said Court.
- v) The Applicant shall co-operate with the expeditious disposal of the Trial.
- vi) The Application is disposed of.

(SARANG V. KOTWAL, J.)