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

BAIL APPLICATION NO.1492 OF 2023

MOHD. SALIM MOHD. AYAZ KHAN	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Prajakta Jagtap for the applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI J. R. Madkatte and PN Sarode, CSMT Railway Police
Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 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 328, 379, 75, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 04.07.2022 vide C.R. No.446 of 2022 with CSMT Railway Police Station, Mumbai.
- 3.** The date of the incident is 02.07.2022. It is the case of the prosecution that the accused acquainted himself with the informant. The accused offered some drink as a result

of which the informant became unconscious and thereafter the accused stole the bag of the informant which contained two mobile phones, sim cards, ATM card and other personal belongings of the informant. The applicant has been identified in the test identification parade. Thereafter, on the basis of the CCTV footage the applicant came to be arrested and the stolen property has been recovered.

4. Learned APP while opposing the application for bail submitted that there are criminal antecedents reported against the applicant of similar nature in which he was convicted and sentenced to undergo rigorous imprisonment for five years. The applicant has suffered the sentence. In my opinion this by itself cannot be a ground to deprive the applicant the facility of bail and now he has already undergone the custody for more than one year and four months in the present offence. The investigation is complete and the charge-sheet has been filed. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mohd. Salim Mohd. Ayaz Khan in connection with C.R. No.446 of 2022 registered with CSMT Railway Police Station, Mumbai shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of CSMT Railway Police Station, Mumbai once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.

5. The application is disposed of.

6. I appreciate the assistance rendered by Advocate Prajakta Jagtap, who appeared on behalf of the applicant through Legal Aid.

7. This order be communicated to the Superintendent of Byculla District Prison by the Investigating Officer.

(M. S. KARNIK, J.)