

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

**BAIL APPLICATION NO.1920 OF 2022
(THROUGH JAIL)**

Miru @ Hasibul Yunus Khan ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. N. M. Nadar for the Applicant.
Ms. A. A. Takalkar, APP for the State.
Mr. Anil Pawar, PSI, Ghatkopar Police Station, Mumbai
present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Miru @ Hasibul Yunus Khan in connection with C.R. No.367 of 2018 registered with Ghatkopar Police Station tried vide Sessions Case No.615 of 2018 for the offence punishable under Sections 354, 367 and 397 of the Indian Penal Code, 1860 (hereafter "the IPC", for short).
- 3.** The informant, a woman employee was working in the

hotel in Mumbai. On 21/06/2018 she left the hotel and took one auto-rickshaw which was parked outside the hotel. Instead of taking her to the destination the applicant who is alleged to be a rickshaw driver took her from some other route and started quarreling with her. He then started beating the informant. It is alleged that he tried to strangle her. The applicant pushed her towards the floor. He took her bag and left the spot. The applicant is in custody from 22/06/2018 for a period of 4 years and 8 months. The maximum sentence punishable under Section 367 of the IPC is 10 years imprisonment. The trial has commenced. One panch witness has been examined. However, learned APP on instructions of the Investigating Officer fairly informs that efforts are being made to trace the informant.

4. In this view of the matter, the trial is likely to take some time to conclude. The applicant has undergone almost half the sentence from the point of view of the maximum punishment prescribed. There are no criminal antecedents reported against the applicant. The applicant's incarceration

cannot be continued as a pre-trial punishment. The applicant therefore can be released on bail.

5. Hence, the following order :-

ORDER

- (a) Application is allowed;
- (b) Applicant-Miru @ Hasibul Yunus Khan shall be released on bail in connection with C.R. No.367 of 2018 registered with Ghatkopar Police Station, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;
- (c) 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;
- (d) The applicant shall report to the Investigating Officer of the concerned police station once a month on every first Saturday between 11.00 a.m. and 12.00 noon;

(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 attend the trial regularly;

(g) The applicant shall not leave the area of Mumbai and Mumbai Suburban district till the trial is concluded.

6. The Bail Application is disposed of.

7. I appreciate the assistance rendered by Advocate N. M. Nadar, who appeared on behalf of the applicant and argued his case.

8. This order be communicated by learned APP to the jail authorities and the applicant. The office to take steps since this is a matter through jail.

(M. S. KARNIK, J.)