



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

BAIL APPLICATION NO.1581 OF 2023

IMRAN AJIMULLAH KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Mujahid Mulla for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 7, 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 395, 364(a), 386, 323, 504, 506 of the Indian Penal Code registered on 13/07/2022 vide C.R. No.643 of 2022 with Shikrapur Police Station, District Pune.

3. The applicant was arrested on 14/07/2022. My attention is invited to the order dated 26/04/2023 passed by this Court while releasing the co-accused No.5 Akash @

Dubya Sopan Panpatte in Bail Application No. 585 of 2023.

For ease of reference, this order is reproduced, which reads thus:

"1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 643 of 2022 registered at Shikrapur Police Station, Pune for the offences punishable under Sections 395, 364-A, 386, 323, 504, 506 of the Indian Penal Code.

3. According to the prosecution, on the date of the alleged incident, which took place on 11 July 2022, the present applicant and other co-accused had abducted the complainant and robbed him of cash amount of Rs. 57,000/- and mobile phone worth Rs. 30,000/-.

4. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. The applicant is aged about 22 years and there are no other criminal antecedents.

5. On the other hand, the learned APP submits that the complainant has identified the present applicant in the test identification parade. It is submitted that one of the co-accused has stated that the present applicant was also involved in the alleged crime.

6. There is no recovery of the incriminating material at the instance of the present applicant. There appears to be delay in holding the test identification parade. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 643 of 2022 registered at Shikrapur Police Station, Pune for the offences punishable under Sections 395, 364-A, 386, 323, 504, 506 of the

Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial."

4. The applicant is accused no.3. The role attributed to the applicant is at par with that of the Akash @ Dubya Sopan Panpatte who has been released on bail by this Court. As the applicant seeks parity with co-accused Akash, the present application can be allowed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Imran Ajimullah Khan in connection with C.R. No. 643 of 2022 registered with Shikrapur Police Station shall be released on bail on his/her furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Shikrapur police station once in a month every first Saturday of the month between 11.00 a.m. and 2.00 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 attend the trial regularly.

(g) The applicant shall not leave the State of Maharashtra without permission of the trial Court.

(h) If any of the conditions are breached, the prosecution is at liberty to file an appropriate application for cancellation of bail.

5. The application is disposed of.

(M. S. KARNIK, J.)