

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2689 OF 2022

Mehboob Babalal Multani

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vipin Bidkar for the Applicant.

Mr. Amit Palkar, APP for the State.

Mr. Rajiv Navale, Dysp, Nesari Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 23 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 32 of 2017 registered at Nesari Police Station, Kolhapur for the offences punishable under Sections 397, 120-B of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The bail is sought on the ground of parity. In support of the said ground the learned counsel for the applicant has placed on record the copy of the order passed by this Court dated 30 September 2021 in Criminal Bail Application No. 52 of 2021. By the said order, this Court has released co-accused Gulabsahab Multani on bail.

5. I have perused the charge-sheet. According to the prosecution, on the date of incident, which took place on 22 December 2017, the present applicant and other co-accused had robbed the complainant and his friend of cash amount of Rs. 3,70,000/-.

6. The learned APP submits that the trial has commenced and prosecution has examined the four witnesses.

7. In normal circumstances, I would not have entertained the present application in view of commencement of trial. However, since this Court has already released the identical circumstanced co-accused and as the applicant is in jail for about five years, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Mehboob Babalal Multani shall be released on bail in Crime No. 32 of 2017 registered at Nesari Police Station, Kolhapur for the offences punishable under Sections 397, 120-B of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act 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.
- (iv) The applicant shall not leave the limits of Kolhapur District without permission of the trial Court.

(N.R. BORKAR, J.)