

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

BAIL APPLICATION NO. 3087 OF 2022

Shaban Vasiulla Khan

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. Khwaja Shaikh a/w. Abhay G. Dolas for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

Mr. P.M.Shirdhankar from Andheri Police Station.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 23rd MARCH, 2023.**

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to amend prayer clause (a) so as to incorporate the Sessions Case number. Leave granted. Amendment to be carried out forthwith.

2. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid Applicant, who is facing trial in Sessions Case No. 27 of 2022, pending on the file of Dindoshi Session Court, Goregaon, Mumbai. The said case arises from Crime No. 845 of 2020 registered with Andheri Police Station, for offences under Section 457, 397 r/w. 34 of the Indian Penal Code.

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3. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. It is the case of the prosecution that on 03.10.2020, the Applicant and other co-accused entered into a milk centre and committed theft of Rs.4000/-.

5. The records prima facie reveal that the amount is already recovered from the co-accused. The Applicant is in custody since 03.10.2020. The case has been committed, but the charge is not yet framed. Considering the large pendency, there is no possibility of the trial being concluded in immediate future.

6. Considering the above facts and circumstances and also considering the fact that the Applicant is in custody since 3.10.2020, in my considered view, this is a fit case for releasing the accused on bail. Hence, the order:-

(i) The application is allowed;

- (ii) The Applicant- Shaban Vasiulla Khan who is facing trial in Sessions Case No.27 of 2022, pending on the file of Dindoshi Sessions Court, Goregaon, Mumbai, arising out of Crime No.845 of 2020 registered with Andheri Police Station, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount;
- (iii) The Applicant shall report to the Andheri Police Station on the first Monday of every month till framing of the charge;
- (iv) The Applicant shall not leave the State of Maharashtra without prior permission of the Court.

(ANUJA PRABHUDESSAI, J.)