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

BAIL APPLICATION NO.3411/2022

FARHAN YUSUF SAYEED

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Abdul Wahab Shaikh i/b. Adv. Mohammed Umar Kazi for
the applicant.

Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 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, 394 read with 34 of the
Indian Penal Code (hereafter 'IPC' for short), registered vide
First Information Report (FIR) No.I-357/2021 with Kalyan
Taluka Police Station.

3. The date of the incident is June 20, 2021. The FIR is
registered on June 20, 2021. The applicant was arrested on
June 21, 2021. The applicant is arraigned as the accused
no.4. The co-accused Paras @ Banty Suresh Kamble has

been released on bail. Total amount involved in the case is Ra.15,000/-. The same has since been recovered. It is alleged that on June 20, 2021, at about 3.00 a.m., the first informant and the porter Laxman Ugahda were returning from Ulhasnagar, Vitthalwadi by unloading the material from the truck and they were proceeding towards Phagulgavan, Murbad Road. Five persons of 20 to 25 age group came in front of the truck and stopped it. Those persons were having wooden sticks with them. Two of them came from driver side and two from cleaner side entered the truck and one stood in front of the truck. The driver and the cleaner were threatened with the wooden stick. The amount of Rs.3500/- and Jio phone was snatched from the driver's pocket and Rs.1500/- and Readmi phone was snatched from the cleaner's pocket. The complainant was assaulted with a threat not to complain about the incident to anyone and the accused fled away.

4. The applicant is in custody for more than one year and seven months. There is no possibility of the trial commencing any time soon. The investigation is complete. The charge-sheet has been filed. There is one criminal

antecedent registered against the applicant in C.R.No.358/2021 under Section 394 of the IPC with Kalyan Taluka Police Station, which is pending trial. There is no specific role alleged against the applicant. There is no recovery at his instance. Having regard to the nature of the accusations, though there is criminal antecedent reported against the applicant, the applicant can be enlarged on bail. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Farhan Yusuf Sayeed in connection with FIR No.I-357/2021 with Kalyan Taluka Police Station, 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 shall report to the Investigating Officer of the concerned police station twice in a month on every first and third Saturday, between 11.00 a.m. and 1.00 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.

5. The application is disposed of.

(M. S. KARNIK, J.)