

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3928 OF 2022

Sadiq @ Sadhu Sahajman Irani @ Sayyed ... Applicant

V/s.

State of Maharashtra ... Respondent

.....

Mr. Vivek Vijay Salunke, Advocate for Applicant.

Mr. A. A. Palkar, APP for Respondent-State.

HC – Mr. Ravindra Y. Landge, Crime Branch, Unit-3, Kalyan present.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 7 OCTOBER, 2023

P C:-

1. Leave to amend forthwith.
2. By this Application, Applicant is seeking bail in C.R.No. 22 of 2015 registered with Dombivali Police Station for the offence punishable under Section 394 read with 34 of Indian Penal Code, 1860 (for short “IPC”) and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short “MCOCA Act”).
3. Learned Counsel for the Applicant submits that this Court (Coram:M.S.Karnik, J.) by Order dated 08.02.2023 has released co-

accused on bail. She was a gang leader. The role attributed to the Applicant is lessor than the co-accused released on bail. Hence, Applicant be released on parity.

4. Learned App on instructions fairly submitted that Applicant is entitled for bail on parity.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. The role attributed to the Applicant that he had provided motorcycle for committing robbery. The said motorcycle is recovered at his instance. No other articles were recovered at the instance of Applicant. The role attributed to the Applicant compared to the co-accused who has been released on bail is on lessor side.

6. Considering the above facts, further detention of Applicant is not required.

7. In view of the above, I pass following order:

- (i) Applicant be enlarged on bail in C.R.No.22 of 2015 registered with Dombivali Police Station, Thane on executing P. R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.10.11
11:10:36 +0530