

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

CRIMINAL BAIL APPLICATION NO. 441 OF 2021

Sureshkumar Mohanlal Shah	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Dr. Abhinav Chandrachud a/w Mr. Shivam J. Singh i/b Mr. D. D. Singh, for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

Mr. Choudhary, API, EOW, MBW, present.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 22nd JANUARY, 2024.

P.C.

Heard Dr. Chandrachud, learned Counsel for the applicant
and learned APP

2 *Sans* merits of the case, learned APP is fair enough to submit that the applicant has been incarcerated for nearly four years. The charge has not yet framed and, therefore, chances of commencing the trial in near future are bleak. Co-accused has already been released on bail and, therefore, even on the ground of parity, the

applicant can be released on the same ground. Moreover, his name is not shown in the First Information Report.

3 The material placed on record, prima facie does not indicate *mens rea qua* the applicant.

4 Learned APP, however, submits that there are two cases against the applicant.

5 Having considered the aforesaid aspects, following order is expedient.

ORDER

(i) The application is allowed.

(ii) The applicant – Sureshkumar Mohanlal Shah be released on executing a PR bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount in connection with C.R. No.68 of 2019 registered with Mira Road Police Station, Thane, to the satisfaction of the trial Court.

(iii) The applicant shall not leave the jurisdiction without prior permission of the trial Court.

(iv) The applicant shall furnish his cell number as well as residential address to the Investigating Officer and the trial Court. In case of change of cell number or residential address, same shall be immediately informed to the police station and also to the trial Court.

(v) The applicant shall deposit his passport, if any, with the trial Court within a week from today.

(vi) Needless to state that breach of any of conditions aforesaid would entitle the prosecution to pray for cancellation of bail.

6 Application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]