

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

CRIMINAL APPEAL NO. 531 OF 2022

Mubeen Kadar Shaikh

.. Appellant
(Orig.Accused No.8)

v/s.

The State of Maharashtra

.. Respondent
(Orig. Complainant)

Mr. Mihir Desai, Senior Counsel a/w. Ms.Tahera Qureshi a/w. Ms.P.Paul
for the Appellant.

Mr. A.M.Chimalkar Spl. PP a/w. Mr.Siddharth Jagushte and Ms.Drushti
Gala a/w. Mr. S. V. Gavand APP for the Respondent.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATED : 15th JANUARY, 2024.**

P.C. :

1) Present Appeal under Section 21 of National Investigation Agency Act, is filed by the Appellant, original accused No.8, in Sessions Case No.4/2015, against rejection of his application preferred below Exhibit 526, for bail.

2) Mr. Desai, learned Senior counsel for Appellant submitted that, the Appellant has undergone incarceration for a period more than 15 years, as of today. That the co-accused viz. Mohd. Atik Mohd.Iqbal has been directed to be released on bail by an Order dated 24th

**JYOTI
RAJESH
MANE**

Digitally signed
by JYOTI
RAJESH MANE
Date:
2024.01.22
14:51:08 +0530

September, 2012 on the ground of prolonged incarceration without trial and therefore the Appellant may be released on bail, on the ground of parity.

3) Mr. Chimankar, learned Special Public Prosecutor appearing for the Respondent-NIA fairly conceded to the fact of incarceration of the Appellant for more than 15 years and with the usual fairness at his command submitted that, appropriate orders in the interest of justice may be passed.

4) As noted earlier the Appellant is in prolonged incarceration without trial for more than 15 years and this circumstance alone is sufficient for considering his Application for bail. After applying the view expressed by the Hon'ble Supreme Court in the cases of (i) Suleman Vs. The State of Uttar Pradesh, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl) No. 1451 of 2022) dated 25th March 2022 and (ii) Dinesh @ Paul Daniel Khajekar Vs. State of Maharashtra & Anr., Criminal Appeal No. 2987 of 2023 (Arising out of S.L.P. (Crl.) No. 10320 of 2023) dated 25th September 2023, the Appellant is entitled to be released on bail during the pendency of Appeal.

Hence following order.:

(I) Appellant be released on bail in Sessions Case No.4 of 2015, arising out of C.R.No. I-152 of 2008 registered with

Matunga Police Station, Mumbai on his executing PR Bond in the sum of Rs.1,00,000/- (Rs. One Lakh only) with one or two solvent local sureties in the same amount

(ii) Appellant shall not leave jurisdiction of Districts of Mumbai, Thane and Pune without prior permission from the trial Court.

(iii) Appellant shall attend office of CIU, DCB CID, Mumbai on every first Monday of the month between 10.00a.m. and 12.00noon initially for a period of one year and thereafter on every first Monday of every third calendar month i.e. four times in a year, till the conclusion of the trial.

(iv) Appellant shall not in any way directly or indirectly attempt to contact, pressurize or threaten either complainant or any of the witnesses in the present case

(v) Appellant shall not tamper with the evidence and/or influence the prosecution witnesses.

5) Appeal is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)