



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

BAIL APPLICATION NO. 1293 OF 2024

KASIM JAFAR IRANI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ritesh Thobde i/b Adv. Ansari Zubi Mohd. Asif for the
Applicant.

Mr. S.H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 18, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is the second application for bail in respect of the offence punishable under Sections 394, 397, 341, 465, 471 read with 34 of the Indian Penal Code registered on 26/09/2021 vide C.R. No.643 of 2021 with Mahatma Phule Chowk Police Station, Thane. The earlier Bail Application No. 432 of 2023 was withdrawn vide order dated 28/10/2023 with liberty to file a fresh application after three months.
3. I am informed that there is no progress in the trial.

The applicant was arrested on 26/09/2021. It is the allegation that the applicant snatched the gold chain of the informant and ran away from the scene along with the co-accused. The applicant was apprehended immediately. The gold chain has been recovered at his instance.

4. Learned APP opposed the application and submitted that there are as many as 10 criminal antecedents reported against the applicant of a similar nature as that of the present offence. All the criminal antecedents are registered in Thane district.

5. The applicant is now in custody for more than 2 years and 6 months as an undertrial. The trial is not likely to conclude any time soon. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case, the applicant can be enlarged on bail. The applicant can not be kept in custody by way of pre-trial punishment. Learned counsel for the applicant, on instructions, submitted that the applicant is willing to reside outside Thane district if the bail is granted. Hence, the following order :-

ORDER

- (a)** The application is allowed.
- (b)** The applicant- Kasim Jafar Irani in connection with C.R. No.643 of 2021 registered with Mahatma Phule Chowk Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c)** Except for attending the trial in the present case and in other cases, the applicant shall not enter Thane district after being released on bail, till the trial concludes.
- (d)** While residing outside Thane district, the applicant shall attend the Police Station, nearest to the place of his residence, once in a week, on Monday of every week, between 11.00 a.m. and 1.00 p.m.
- (e)** 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.
- (f)** On being released on bail, the applicant shall furnish his contact number and residential address while residing outside Thane district, to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The application is disposed of.

(M. S. KARNIK, J.)