

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1708 OF 2024

Mohammad Taufique Habibullah Khan ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Bablu Shaikh, for the Applicant.

Ms. Ranjana Humane, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 22, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant, who is arraigned in C.R. No. 88 of 2021 registered with Sanpada police station for the offences punishable under sections 120-B, 379, 427, 465, 466, 468, 471, 473, 474, 413, 419 read with 34 of Indian Penal Code, 1860 seeks to be enlarged on bail.
3. A Swift Dzire car bearing No. MH-03-DJ-8373 was stolen on 13th June, 2021. Initially, the FIR came to be registered for the offences punishable under sections 379 and 427 of the Penal Code. The applicant was arrested on 9th July, 2021. The stolen property was recovered at the instance of the applicant. It further transpired that there was a gang of persons who were involved in changing the Chasis number of the car and stole the same. Thereupon, the charge for rest of the offences came to be added.

4. The learned counsel for the applicant submitted that the applicant has been in custody since 9th July, 2021. Rest of the accused have been released on bail.
5. The learned APP resisted the prayer on the ground that the applicant is the principal accused at whose instance the stolen property came to be recovered.
6. If only the charge for the offence punishable under section 379 of the Code is attributed to the accused, by the sheer period of incarceration which the applicant has suffering, the applicant becomes entitled to bail. Whether the charge of the offence can be attributed to the applicant, would be a matter for adjudication at the trial.
7. I am, therefore, inclined to exercise discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant be released on bail in C.R. No. 88 of 2021 registered with Sanpada police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark his presence at Sanpada police

station on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial, whichever is earlier.

4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

5] 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.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)