



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1922 OF 2023**

Ishtekar Azharali Ansari and Anr.	...	Applicants
versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. Rahil Ahmed Siddiqui for Applicant.
Mr. S.R.Aagarkar, APP for State.
Mr. Suresh Gaikwad, PI Protection Branch, present.

CORAM: N.J.JAMADAR, J.

DATE : 5 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicants who are arraigned in C.R.No.276 of 2017 registered with Pydhonie Police Station for the offences punishable under Sections 120B, 342, 397, 452 read with Section 34 of the Indian Penal Code, have preferred this application to enlarge them on bail.
3. Learned Counsel for the Applicants submits that the co-accused Hasmat Ali has been released on bail by the Court of Sessions. The applicants are similarly circumstanced. In any event, the applicants have been in custody since 16 April 2018. Therefore, the applicants deserve to be released on bail.
4. Learned APP resisted the prayer for bail.
5. The indictment against the applicants and the co-accused is that on 11

September 2017, the applicants and the co-accused barged into the office of the first informant and robbed him of the cash, gold ornaments and mobile phone handsets worth Rs.65,050/-.

6. While releasing the co-accused on bail, the learned Additional Sessions Judge observed that the first informant had not sustained any grievous injury. Learned Counsel for the applicant invited attention of the Court to the medico legal examination report of the first informant, which indicates that the first informant has not sustained any injury.

7. In any event, the applicants are in custody since 16 April 2018. It is unlikely that the trial can be concluded within a reasonable period. Having regard to the punishment which the offence under Section 392 of the Code entails and the period of incarceration, further detention of the applicants does not seem warranted.

8. Learned APP submitted that the applicants are the residents of Uttar Pradesh and the presence of the applicants may not be secured, in the event they are released on bail.

9. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

10. Hence, the following order :

ORDER

- (i) The Application stands allowed.

(ii) The Applicants – Ishtekar Azharali Ansari and Mohd. Rabbani Ansari be released on bail in C.R.No.276 of 2017 registered with Pydhonie Police Station on furnishing a PR bond in the sum of Rs.30,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicants shall mark their presence at Pydhonie Police Station on first Monday of every month between 11 am to 1 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(iv) The applicants shall not tamper with the prosecution evidence. 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.

(v) On being released on bail, the applicants shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicants shall regularly attend the proceedings before the jurisdictional Court.

(vii) 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.)

SSP

4/4