



Diksha Rane

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

BAIL APPLICATION NO.1844 OF 2023

FAIYAZ IBRAHIM NAKHUDA @ SANNATA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Husen Shaikh for the applicant.
Mr. S. H. Yadav, APP for the State.
API Maruti Kadam, Anti Extortion Cell, DCB-CID, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : MARCH 15, 2024

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 386, 387, 120-B, 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short), registered on 22/1/2020 vide C.R. No.15/2020 with Dongri Police Station (subsequently transferred to D.C.B., C.I.D., C.R.No.17/2020).
- 3.** The applicant is the accused no.1. The applicant was

arrested on 30/1/2020. The allegations in brief are that the prime accused Ejaz Yusuf Lakdawala used to threaten the victims for extortion. Accordingly, a call was made to the complainant demanding a sum of Rs. 50 lakhs. A sum of Rs. 5 lakhs towards extortion was paid by the complainant to the prime accused through the present applicant. The confessional statement of the gang-leader accused Ejaz Yusuf Lakdawala which was recorded on 12/2/2020 under Section 18 of the MCOCA reveals the role of the present applicant. It is applicant who used to provide detailed information of the persons to the accused Ejaz Yusuf Lakdawala for extortion purpose whereafter the calls would be made. It is further the allegation that the applicant provided details of two witnesses to the accused no.2 Ejaz Yusuf Lakdawala for extortion. The trial is proceeding. The witnesses have resiled from their statements under Section 161 of the Code of Criminal Procedure (Cr.P.C.) so far as the present applicant is concerned.

4. Learned APP while opposing the application for bail submitted that only three witnesses remain to be examined i.e. two investigating officers and one Assistant

Commissioner of Police who has recorded the confessional statement. In such circumstances, learned APP prayed that the application be rejected as the trial is on the verge of completion.

5. I have gone through the affidavit which was filed on behalf of the respondent - State in the first bail application bearing No.2521/2021 preferred by the applicant. The applicant is in custody for more than four years. The material witnesses have been examined. There is now no possibility of tampering with the witnesses. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In the facts of the present case, I am of the opinion that the bar under Section 21(4) of the MCOCA can be overcome. As I propose to impose conditions, it is unlikely that the applicant will commit any offence during the pendency of the trial. Considering the role of the applicant and the fact that the applicant does not appear to be a flight risk, I am inclined to enlarge the applicant on bail but by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Faiyaz Ibrahim Nakhuda @ Sannata in connection with C.R. No.15/2020 registered with Dongri Police Station (subsequently transferred to D.C.B., C.I.D., C.R.No.17/2020) shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of concerned police station once in a week on every Saturday between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (d) 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.
- (e) On being released on bail, 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.
- (f) The applicant shall not leave the jurisdiction of Mumbai/Mumbai Suburban District without permission of the trial Court till the trial is over.
- (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 applicant shall surrender his passport to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)