

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3135 OF 2023

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SUBHASH
PAREKAR

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Date: 2024.01.04
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Parnab Bhattacharjee s/o. Subimal

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Jyotiram Yadav, for the Applicant.

Mr. Y.M. Nakhwa, APP, for the Respondent/State.

Mr. Kiran Koli, API, Sahar police station.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 03, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for bail. The applicant has been arraigned for the offences punishable under sections 420, 465, 468 and 471 of Indian Penal Code, 1860 in C.R. No. 672 of 2022 registered with Sahar police station.

3. The Court is informed that the trial arising out of C.R. No.672 of 2022 has been transferred to Esplanade Court, Mumbai.

4. The applicant and the co-accused Arun Guha were apprehended as the Immigration Officer entertained suspicion that the applicant and the co-accused were Bangladeshi Nationals and had fraudulently obtained Indian Passport.

5. The learned counsel for the applicant invited the attention of the Court to an order dated 11th September, 2023 passed in BA No.

1241 of 2023 whereby this Court granted bail to accused Arup Guha. It was submitted that the applicant is similarly circumstanced and therefore entitled to same dispensation.

6. The learned APP opposed the prayer for bail. It was submitted that the complicity of the applicant has been made out.

7. I have perused the first information report lodged by the Immigration Officer. The allegations against the applicant and the co-accused Tapash who came to be released on bail appear to be identical. Prima facie, the applicant's claim for parity is justified.

8. In any event, the applicant has been arrested on 4th October, 2022. Investigation is complete and charge sheet has been lodged. Apprehension on the part of the prosecution of fleeing away from justice can be taken care by imposing conditions. I am, therefore, inclined to allow the application.

Hence, the following order.

ORDER

1] The application is allowed.

2] The applicant be released on bail in C.R. No. 672 of 2022 registered with Sahar police station, on furnishing a P.R. Bond of Rs. 50,000/- with one or more sureties in the like amount.

3] The applicant shall mark his presence at Sahar police

station on first Monday of every month in between 11 am to 1 pm till framing of the charge.

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.)