

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

SATISH
RAMCHANDRA
SANGAR

BAIL APPLICATION NO. 1047 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2024.08.14
12:24:19 +0530

**Mohammad Ashraf Mohammad
Aslam Qureshi**

Age : 23 Years, Resident of :-
C/o. : Mohammad Akram, Behind
Sangam Nagar Police Chowki,
Antop Hill, Wadala (E), Mumbai.

AND

Native place at Village : Dandupur,
Post : Raniganj, Tahsil : Raniganj,
Kayasth Patti, District : Pratapgarh,
Uttarpradesh, India.

...Applicant
(Original Accused No.3)

Versus

The State of Maharashtra

(At the instance of Shahpur Police Station,
Thane)

...Respondent

Mr.Abdul Rahim Bukhari:-	Advocate for Applicant.
Mr.Ashok Gawai:-	APP for Respondent–State.
Mr.Sunil Sansare (PSI) :-	Shahpur Police Station, District : Thane Rural.

CORAM : S. M. MODAK, J.

DATED : 12th AUGUST 2024

P. C. :

1. Heard learned Advocate for the Applicant and learned APP.
2. This Court has rejected the Bail Application of one Nafiz

Kamaruddin involved in the same offence. That is why, this Bail Application is assigned to me. This Nafiz is granted bail by the Hon'ble Supreme Court on 10th July 2024¹. It is solely on the ground that he is behind bar for two (2) years and the co-accused have been granted bail. Whereas, another Accused who is granted bail is, Mohammad Zuber Mohammad Islam Khan. It is on 5th July 2024 by the Court of Additional Sessions Judge – 6, Kalyan. I have read the order. It was granted purely on the ground of incarceration since 29th June 2022 and on the basis of no criminal antecedents.²

3. Learned APP has brought to my notice, the materials against this Applicant. He was a driver of Swift Car. The persons sitting in the Swift Car followed the Trailer driven by one Ejaj Bismillah Ahmed. It was near Gurudwara at Shahpur. The occupant of Swift Car got down and beaten the driver and he was compelled to sit in a Swift Car. The Trailer was driven by co-accused. It is, on this Trailer, the steel was sold to other persons as a scrap.

4. There are two sets of Accused. One is, the persons who actually committed the dacoity and second is, the persons who have purchased the steel. The present Applicant is from the set of dacoits. The driver –

1 Special Leave Petition to Appeal (Crl.) Nos.5655-5656/2024

2 Page No.15 – Vide Para No.05.

Ejaj has identified the present Applicant in the “*Test Identification Parade*”³. So, on merits, he is not entitled to bail.

5. However, he is behind the bar since 29th June 2022. Yet, the trial has to start. So, on this ground, he can be granted bail. Question is about securing his presence. Even, he is not having a house either on ownership or rented in Mumbai. He is residing with someone else. So, there has to be a heavy surety and local surety also. Hence, order:-

ORDER

- (i) Application is allowed.
- (ii) Applicant – **Mohammad Ashraf Mohammad Aslam Qureshi** arrested in connection with **C.R. No.249 of 2022** registered with Shahpur Police Station, District : Rural Thane for the offences punishable under **Sections 395, 365, 411 of IPC**, be **released** on bail on furnishing personal bond and surety bond of **Rs.50,000/-** (Rupees Fifty Thousand Only).
- (iii) He is directed to furnish a surety who is having a residence in Shahpur Taluka.
- (iv) Applicant not to threaten the prosecution witnesses or to allure them in any manner.
- (v) He is directed to give attendance to Shahpur Police Station on 1st Monday of the month of September – 2024 and February – 2025 from 10.00 to 12.00 noon, after he will come out of jail.

³ For short, “TIP”.

6. In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.
7. The name of the father of the Applicant is wrongly typed as “Mohammad Ashraf Mohammad **Islam**⁴ Qureshi”. It ought to have been “Mohammad Ashraf Mohammad **Aslam** Qureshi”. Let, amendment be carried out. Office has not sent the papers but on the basis of papers shown by learned Advocate, I have taken up this matter for hearing.
8. **Application is disposed of in the aforesaid terms.**
9. Parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]

⁴ Wrongly typed as ‘Islam’ instead of ‘Aslam’.