

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1322 OF 2024**

Imtiyaz Khwajakhan Pathan ... Applicant

VS.

State of Maharashtra ... Respondent

Dr. Uday Warunjikar a/w Gargi Warunjikar a/w Uzma Pathan for the Applicant.

Mr. S.V. Walve, APP for the State.

Mr. S.K. Ghuge, PSI, V.P. Road Police Station, Present.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 27th NOVEMBER, 2024

ORDER :-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking regular bail under Section 439 of Cr.P.C. in connection with Crime No. 297 of 2022 registered at VP Road Police Station, Mumbai for the offence punishable under Sections 394, 395, 397, 341, 504, 506(II), 120-B of Indian Penal Code.
3. Mr. Warunjikar appearing for the applicant would submit that in all eight accused persons are allegedly involved in the said offence and the charge-sheet was filed before the trial Court. He

submits that out of eight, four accused persons are already released on bail, two by this Court and remaining two by the Sessions Court. He submits that the applicant was found in the same hotel on the previous night, there is no allegations against the applicant against his involvement in the said offence. Besides, he would submit that the applicant is entitled to be grant bail on parity since four co-accused are already released.

4. Learned APP while opposing bail application would submit that the applicant is the main conspirator and there are multiple offences registered against him in which he is on bail. Learned APP would submit that there is strong evidence collected by the investigating agency against the applicant and thus no case is made out for grant of bail.

5. Bail Application No. 2995 of 2023 filed by Santosh Khomane was allowed by this Court on 4th November, 2023. Bail Application No. 3611 of 2022 filed by Shoyeb Ansari was allowed by this Court on 18th December, 2023. Similarly, bail application filed by Madhukar Ramdas Thorat was allowed by the Sessions Court on 12th July, 2023 and bail application filed by Harshwardhan Ghorpade was allowed on 16th October, 2023 by learned Sessions Court. The application filed by present applicant was rejected by the trial Court

vide order dated 12th January, 2023 and accordingly, the applicant is before this Court.

6. The contention of the present applicant to grant bail on parity, since four co-accused persons are already released by this Court, could be considered for the above reason. The entire investigation is completed and the charge-sheet is filed. It is also clear that some of the stolen articles have been recovered from the co-accused persons. Admittedly, there is no recovery of such stolen article from the applicant.

7. The charge-sheet shows that many witnesses to be examined and it is clear that there is no possibility of conclusion of trial in near future.

8. The ground which has been raised by the learned APP for opposing bail application would clearly go to show that the applicant was found involved in some of the offences, which he allegedly committed in Pune. In two matters, he has been already acquitted, whereas in four matters he is on bail, however, said four matters are from the year 2008 till 2013. There is no material to show that recently there is any offence registered against the present applicant.

9. Since, the co-accused persons are enlarged on bail, the

accused could be considered on the basis of parity. Accordingly, bail application of the accused is allowed.

10. The applicant/accused shall be released on bail on furnishing personal bond of Rs.50,000/- with two solvent sureties in the like amount to the satisfaction of the learned Sessions Court and with the following conditions:

ORDER

(I) Applicant shall attend the trial proceedings regularly.

(II) Applicant shall not in any manner directly or indirectly threaten or induce the prosecution witnesses.

(III) Applicant shall furnish his detailed address including mobile number to the investigating agency.

(IV) If the applicant is found violating any of the condition, the prosecution is at liberty to file cancellation application for bail before the trial Court.

11. The Bail Application is disposed of in above terms.

(BHARAT P. DESHPANDE, J.)