



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1411 OF 2024

Jamal Akhtar Ansari

...Applicant

vs.

The State of Maharashtra

...Respondent

Adv. Mr. Ali Kaashif Khan Deshmukh, Ms. Hitanshi Gajaria, Ms. Snigdha Khandelwal	Advocate for the Applicant
Mr. H. J. Dedhia	APP for the Respondent-State
Mr. N. J. Raut	PSI Kopari Police Station, Thane

CORAM : S. M. MODAK, J.

DATE : 01st OCTOBER 2024

P.C. :-

1. Heard learned Advocate Shri Deshmukh for the Applicant/accused no. 1 and learned APP.
2. He is charge-sheeted for an offence punishable under Sections 395, 394, 392, 324, 171, 120-B, 34 of the Indian Penal Code. Charge-sheet is filed on the basis of the complaint lodged by one Suraj Dangra on 24.03.2022 with Kopari Police Station. The first informant who was induced to purchase gold biscuits at a discounted price. When he

came for collecting the biscuits on 24.03.2022, five persons having a mask pretending the Police came and beaten the first informant.

3. They have robbed the first informant of Rs. 17,50,000/-. The person who had come alongwith gold biscuits was also taken in that swift desire car and all ran away. The person by name Ashok interacted with the first informant and induced him to purchase discounted gold biscuits. This Ashok is nothing but the present Applicant. There is description of the said Ashok in the F.I.R.,, his full name is not there. The present Applicant came to be arrested on 31.01.2023. During investigation Police have recorded the statement of the various persons. Few of them are Rajesh Hanumant Kale and Swami dated 25.03.2022. One Bhushan V. Sawant of the same date and Vishwanath Nimbalkar of the same date. Even Parade is conducted and all three persons have identified the present Applicant.

4. The Contention raised is there is a delay in conducting the parade and it is not conducted as per Rules laid down as per Criminal Manual.

5. Learned Advocate Mr. Deshmukh relied upon observations in

case of *Rameshwar Singh Vs. State of Jammu and Kashmir*¹ and *Rajesh Govind Jagesha Vs. State of Maharashtra*². His contention is nothing is recovered at his instance. Co-accused Ramkaran Chhotelal Prajapati is granted bail by this Court on 30.06.2023. The contention is also raised about variance in the statement of Rajesh H. Kale and first informant.

6. Bail is opposed for the reason that this Applicant is master mind and he was identified by three witnesses.

7. It is true that the Applicant is arrested on 31.01.2023. It is true that he is identified by three witnesses. The Applicant was arrested in some other offences and he was arrested in presence offence on transfer.

8. I am inclined to grant bail simply for the reason that yet trial is not started. Though on merits, I am not satisfied with the contention.

9. Hence the Order :-

ORDER

- (i) Applicant-Jamal Akhtar Ansari arrested in connection with C.R. No. 57 of 2022 registered with Kopari Police Station, Thane for the offence punishable under Sections 395, 394, 392, 324, 171, 120-B and 34 of the Indian Penal Code, be released on bail on

1 1971 (2) SCC 715

2 1999 (8) SCC 428

furnishing Personal bond and Surety bond in sum of Rs. 50,000/-.

- (ii) Applicant shall not threaten the prosecution witnesses.
 - (iii) Applicant attend the trial Court punctually and to furnish surety from Thane district.
 - (iv) Applicant to give attendance to Kopari Police Station on first Monday of the month of November, February and July of every year from 10.00 a.m. to 12.00 noon till conclusion of the trial.
10. Bail Application is disposed of in the aforesaid terms.
11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]