

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2759 OF 2024

Abujar Liyaj Ahemad Siddiki .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Mateen Shaikh with Sharif Shaikh, Jammu Shaikh, Ansar Tamboli, Shahid Nadeem, Srinivas Kshirsagar, Arshad Shaikh, Razique Shaikh, Adil Shaikh, Muskan Shaikh and Afrin Khan for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2024

P.C:-

1. The learned counsel Mr.Mateen Shaikh has invited my attention to the order passed in case of the co-accused- Mohammed Arif Mohammed Tahir, who on approaching this Court by way of second bail application, is directed to be released on bail on 15/04/2024.

It is his specific submission that in the C.R. registered in the year 2020, charge has been framed, but trial has not yet commenced and the role assigned to the co-accused is almost on similar lines to that of the Applicant and, therefore, he is entitled to claim parity with him and deserve his release on bail.

2. The learned A.P.P. Mr.Gavand does not dispute the factual recording in the order dated 15/04/2024 and as far as the fact that the C.R. is registered in the year 2020, but he would submit that there is an additional circumstance, as indicted in the charge-sheet, which is to be taken note of, being on the basis of the phone call made by this Applicant, the deceased left his home.

3. In the order dated 15/04/2024, it is specifically noted that the material collected by the prosecution is in form of circumstantial evidence and it is on the basis of the statement of one Abdul Hasan Manajirul Hasan Sayyed, recorded on 30/08/2020, persons named are arraigned as accused. It was also specifically noted that a missing complaint was filed by the sister of the deceased, informing that from 23/08/2020, her brother had left the house at around 9.30 p.m. and he had informed his mother that his friend Abujar had called him and he shall return back in five minutes, but did not return and his body was recovered from the open place. Prima facie, the material collated in the charge-sheet is only loosely connecting the accused persons and it is on this basis, the co-accused was held entitled for being released on bail.

Since the accusation levelled against the present Applicant, except the fact that at the instance of his phone call, the deceased left the house, he is clearly situated with the co-accused-Mohammed Arif Mohammed Tahir Khan.

It will be ultimately for the prosecution to establish its case by adducing evidence, but considering the fact that the

Applicant is a young boy, aged 19 years and, since, the trial has not yet commenced, I deem it appropriate to secure his release on bail, subject to the following conditions :-

: **ORDER** :

- (a) Application is allowed.
- (b) Applicant -Abujar Liyaz Ahemad Siddki shall be released on bail in connection with C.R.No.245 of 2020 registered with Boisar Police Station (Sessions Case No.26 of 2021) on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station on first Tuesday of every trimester between 3.00 p.m. to 5.00 p.m. till conclusion of the trial and shall abide by the directions issued by the trial Court.
- (d) The Applicant shall attend each and every date of trial, unless specifically exempted.
- (e) 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.
- (f) 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.

(BHARATI DANGRE, J.)