

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

BAIL APPLICATION NO. 4480 OF 2024

Ahmed Ejaj Supariwala ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rumman Shaikh, a/w Husen Shaikh, Zohib Shaikh and
Ilsa Shaikh, for the Applicant.
Mr. H. J. Dedhia, APP for the State.

CORAM: N. J. JAMADAR, J.
DATED: 6th DECEMBER, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in CR No.92 of 2023 registered with Nagpada Police Station, Mumbai, for the offences punishable under Sections 120B, 302, 307, 363, 323, 504, 506, 141, 142, 143, 145, 146, 147 and 149 of the Indian Penal Code, 1860 ("the Penal Code"), has preferred this application to enlarge him on bail.
3. On 17th January, 2023 at about 9.30 p.m., in front of Figo Building, the applicant, who is the son of Ejaj Supariwala, his mother, brother and sisters and other persons, allegedly raked up quarrel with the first informant as he took the side of Rehan @ Bappa, with whom the

Supariwalas had a dispute. The first informant alleged, the applicant, his mother, brother and sisters caught hold of the first informant. Faizan, the co-accused, assaulted him by means of knife. Aamas (deceased), the brother of the first informant, came to his rescue. The applicant and co-accused assaulted him as well. The applicant and co-accused caught hold of the deceased. Co-accused Faizan gave blow by means of a knife. The first informant further alleged, co-accused Sharique Qureshi volunteered to take him to J. J. Hospital. However, co-accused Sharique took him to Arab Galli, Nagpada, where Ejaj accosted him and assaulted him by means of chopper. Eventually, the accused succumbed to his injuries.

4. At the outset, Mr. Rumman Shaikh, the learned Counsel for the applicant, submitted that the co-accused Waris Baig, Nida Sayed, Munaza Baig and Heena Supariwla, the wife of the Ejaj Supariwala, have already been enlarged on bail. The role attributed to the applicant is, by and large, similar to the co-accused, who have already been enlarged on bail, especially that of Heena Supariwala. The applicant is a young boy. He has been in custody since 21st February, 2023. Therefore, the applicant be enlarged on bail.

5. While releasing Heena Supariwala on bail, in the order dated 7th August, 2024 in Criminal Bail Application No.2395 of 2024, this Court had observed, *inter alia*, as under:

“8. Prima facie, there are allegations against the applicant that she had caught hold of the deceased. Munaza Baig was also attributed the role of having caught hold of the deceased from behind. Prima facie, thus, there does not appear much qualitative difference between role attributed to the applicant and Munaza Baig.

9. From the perusal of the statements of Nadim Hajaratali Shaikh and Baddreaalam @ Jugan Bismillah Khan it appears that the assailant Faizan came at the scene of occurrence on scooter and prior to that, an altercation had already ensued and 5 to 10 members of the unlawful assembly had started to beat Aalhan Qureshi, the first informant.

10. In this context, the role attributed to the applicant is required to be appreciated. Thus, the question as to whether the applicant has also shared the common object of the unlawful assembly in prosecution of which the deceased was killed, would be a matter for adjudication at the trial.

11. The applicant is a woman. She has been in custody for one and half year. Thus, in the backdrop of the role attributed to the applicant, further detention of the applicant does not seem warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.”

6. In view of the aforesaid reasons, which persuaded this Court to enlarge Heena Supariwala on bail, Mr. Dedhia, the learned APP, fairly submitted that the principle of parity may apply.

7. The role attributed to the applicant, *prima facie*, appears to be similar to that of the co-accused, especially Heena Supariwala. As noted in the aforesaid order, the question as to whether the applicant also shared the common

object of the unlawful assembly in prosecution of which the deceased was killed, would be a matter for adjudication at the trial. At the time of the occurrence, the applicant was 21 years of age. The applicant has been in custody for one year and eight months. Having regard to the number of the accused, the number of witnesses and the evidence which the prosecution may be required to adduce, it is unlikely that the trial can be concluded within a reasonable period.

8. I am, therefore, inclined to exercise the discretion in favour of the applicant.

9. Hence, the following order:

: O R D E R :

- (i) The Application stands allowed.
- (ii) The Applicant – Ahmed Ejaj Supariwala be released on bail in C.R.No.92 of 2023 registered with Nagpada Police Station, Mumbai, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence at Nagpada Police Station on the first Monday of every alternate month between 11 am to 1 pm for a period of two years or till the conclusion of the trial whichever is earlier.
- (iv) The applicant shall stay away from the limits of the Mumbai City for a period of two years or till the framing

of the charge, whichever is earlier, except for the purpose of attending the police station or the proceedings before the Court.

- (v) The applicant shall not tamper with the prosecution evidence. 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.
- (vi) 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.
- (vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (viii) 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 co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]