

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1833 OF 2024

IN

BAIL APPLICATION NO. 3278 OF 2022

Saddam @ Bhail Firdous Israr Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. S. K. Ali a/w Ms. Shabi Fatma, for the Applicant.
- Ms. Rutuja A. Ambekar, APP for Respondent.
- Mr. Ghode, PSI, Deonar Police Station, Mumbai.

CORAM : MANISH PITALE, J.

DATE : 23rd August, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the State.

2. The applicant has approached this Court seeking modification of condition (v) imposed on the applicant while allowing his bail application by order dated 04.10.2023 passed in Criminal Bail Application No.3278 of 2022 (Coram : Shivkumar Dige, J.). The said condition reads as follows :

“(v) Applicant shall not enter in the area of Shivajinagar, Govandi till the conclusion of trial.”

3. The learned counsel for the applicant submits that this Court may consider deleting said condition, for the reason that the applicant is unable to

visit his mother, as he is unable to enter the area of Shivajinagar, where his mother lives. It is submitted that the applicant is abiding by all other conditions, including attending the concerned Police Station i.e. Deonar Police Station once in a month, as directed by this Court.

4. The learned APP has tendered reply affidavit, which is taken on record. The prayer is specifically opposed by pointing out that the applicant is a hardened criminal having 14 criminal cases registered against him and that he is otherwise a resident of Shivajinagar. It is also pointed out that the informant and the witnesses are also residing in Shivajinagar. It is after taking into consideration the background of the applicant and his criminal antecedents that this Court imposed the aforesaid condition, while granting bail to the applicant.

5. The learned APP further submits that the applicant is facing prosecution under the Maharashtra Control of Organized Crime Act, 1999 and this aspect may also be taken into consideration. It is also pointed out that the present offence was committed by the applicant when he was on bail in the case involving offences under MCOC Act.

6. This Court has perused the reply affidavit of the respondent – State. It reveals the background of the applicant and the fact that he has a number of criminal antecedents. In fact, he is facing prosecution in 14

criminal cases and this aspect was specifically taken into consideration by this Court while imposing the above quoted condition. The informant and witnesses are also residents of Shivajinagar and there is possibility of the applicant influencing them.

7. In such a situation, it cannot be said that the applicant has made out a case for modifying / deleting of the aforementioned condition.

8. Hence, the application is dismissed.

(MANISH PITALE, J.)