

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3419 OF 2024**

Abbas Amjad Irani ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Yash S. Pulekar *i/b Anil G. Lalla, for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
API – Vinod Patil, *MFC Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 19th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 690 of 2022 dated 9th December 2022 registered with the Mahatma Phule Chowk Police Station, Thane City for the offences punishable under Sections 394, 506 and 34 of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 37(1) and 135 of the Maharashtra Police Act, 1951. After some investigation, the offences punishable under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short, “MCOCA”) were invoked.

2. The facts of the case, in brief, are that the co-accused were arrested for snatching chains and other articles from women in the Kalyan area and whereas it is revealed during the investigation that the present Applicant conducted a reconnaissance in the said area to apprise the co-accused regarding women being present in the said area so as to enable the co-accused to commit the said offence over there. The role of the Applicant, in the present case, is limited to committing the recce and keeping the co-accused apprised of the movement of women in the area. He was arrested on 30th June 2022 pursuant to the registration of the FIR.

3. The Applicant made an application seeking bail before the Special MCOCA Court. However, by order dated 23rd July 2024, his bail application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Yash Pulekar, learned Counsel for the Applicant, submits that the Applicant's role is limited to doing the recce in the area and reporting to the main accused who then

committed the offence. He submits that he had no other role to play in the offence and even then, he left the place and went home. He submits that the Applicant is arrested on 30th June 2022 and is a young boy of 25 years of age. He thus submits that the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP, on the other hand, has brought to my notice a confession of the Applicant dated 11th July 2023 recorded by following the due process of the provisions of the MCOCA. She also points to the statement of the co-accused which also implicates the present Applicant in having committed the offence and keeping the main accused informed of the presence of the women in the area so as to enable them to carry out the offence. Ms. Bajoria also brings to my notice that there are 16 antecedents in respect of the Applicant. To this, Mr. Pulekar replies that out of the 16 antecedents, 6 antecedents are pertaining to the year 2015 at which time the Applicant was a juvenile. He also submits that

in one or two cases, the Applicant is acquitted and in the remaining cases, he is enlarged on bail.

6. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

7. It appears that the Applicant, a 25 year-old boy, is in jail from 30th June 2022. The charges are framed. However, the recording of evidence has not yet commenced. It is not likely that the trial would conclude in the near foreseeable future. Notwithstanding that there is a confession of the Applicant himself, having done the recce in the area and communicated relevant information to the co-accused and having regard to his long incarceration, as well as the fact that he is 25 years of age and his role is limited to keeping the co-accused informed as aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 am. and 12:00 pm., till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) The Applicant shall not enter the jurisdiction of Kalyan and Thane districts, till the conclusion of the trial.
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial

Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)