

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

BAIL APPLICATION NO. 4901 OF 2024

Sageer Ajgar Khan

.Applicant

vs.

The State of Maharashtra

.Respondent

Mr. Jagdish Nagar, Advocate, for the Applicant

Ms. Savita M. Yadav, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 16.01.2025

P C.

1. Heard Mr. Nagar, learned Advocate for the Applicant and Ms. Yadav, learned APP for the Respondent – State.

2. Application is filed for seeking bail in connection with C. R. No. 60 of 2021 registered with the Vile Parle Police Station, Mumbai for the offences punishable under Sections 395, 170, 120B, 414 r/w. 34 of the Indian Penal Code, 1860 (for short 'IPC'). There are 15 Accused in the crime, out of which 14 have been released on bail either by the learned Sessions Court or by this Court. I need not refer those orders as it is an admitted position confirmed by the learned APP. Some of the orders are placed in the Application before me rather 12 orders are placed before me. 10 orders are placed in the Application and 2 are placed separately at the time of the hearing. Page No. 66 of the Application is the

statement of the Informant called Anand Ashok Ingale, aged 29 years claiming to be a labour contractor and residing in Mankhurd, Mumbai – 400 094. Place of incident is at Vile Parle. All that he has stated is that he had a tip that the Applicant would be going to Bawa International Hotel at Vile Parle in the evening to commit the crime. According to the Complainant, there were two persons who were staying in Bawa International Hotel and they were approached by Applicant and three other Accused impersonating as police personnel and they have taken away a sum of Rs. 120,000,000/- approximately from them. In his statement, he states that he received this information but he waited for two days to approach the Vile Parle Police Station and give it to the police. The persons from whom the money was allegedly taken has not lodged any complaint. The details as to how the informant got knowledge of the alleged crime is not investigated and placed on record and it is not borne out from the record at all. The statement at page No. 66 of the Informant is a cursory statement as it can be which is seen *prima facie*. In the first instance, whether cognizance can even be taken or has to be taken of such a statement is also doubtful in my opinion. Be that as it may, investigation has proceeded and progressed and it is now the case of prosecution that an amount of Rs. 7,10,78,000/- is recovered from the Accused. Out of 15

Accused, names of 8 Accused are stated on page No. 54 showing the estimated value of recovery from them. In the description of the property, details of motor vehicles/two wheelers and four wheelers are stated. The prosecution is not sure whether it is a two wheeler or four wheeler which can be ascertained from it. All that is stated about the said vehicles qua six of the Accused is that the vehicles are valued at Rs. 50,000/-, Rs. 8,00,000/-, Rs. 8,00,000/-, Rs. 15,00,000/-, Rs. 9,00,000/- and Rs. 8,00,000/-. Insofar as the remaining two Accused are concerned, prosecution has stated that they have recovered an estimated value of Rs. 10,00,000/- from the Applicant and Rs. 1,48,000/- from another Accused, who is already enlarged on bail. Insofar as the Applicant is concerned, the prosecution states that Gold worth Rs. 10,00,000/- has been recovered and seized. My attention is drawn to the Order dated 01.11.2023 passed by this Court (Coram : Bharati Dangre, J.) in B. A. No. 2984 of 2023, whereby the Second Bail Application of the Applicant was rejected. The Court has proceeded on the premise that accusation in the present case is extremely serious and even if there is a delay in lodging the report which is purely on the basis of hearsay, the person who has been robbed of his money has not lodged the report about the alleged incident. After perusing record of the present case and *prima facie*

observations made herein above, I am of the clear opinion that in the above facts, it is very material as to who has lost the humongous amount of money which the prosecution has till date not investigated despite passage of time and not placed any material before the Court. A report from the Complainant who states that he got knowledge about the happening of the incident is the only material with the prosecution. Crime of an alleged robbery of Rs. 120,000,000/- is alleged by the prosecution. On record are certain photographs of some person holding a small bag in his hands and entering the lift are placed and nothing more. Even if at all there is any impersonation by the Applicant or other Accused, they shall be punished for the same subject to trial.

3. Considering the available material on record and more specifically on the ground of parity, the Applicant deserves to be enlarged on bail on the following terms and conditions :

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on the fourth Saturday of every month between 10:00 a. m. and 12:00 noon for a period of 12 months from the date of filing of the charge-sheet **OR**

from the date of the order **OR** till the conclusion of the trial;

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

(iv) 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 concerned Police Station;

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

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

4. The Application is allowed in the aforesaid terms and is accordingly disposed of.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

6. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)