

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

CRIMINAL BAIL APPLICATION NO. 109 OF 2025

Ferdeen Parvez Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ritesh Kalra a/w Adv. Uroosa Shaikh, Advocate for the Applicant.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 5th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.338 of 2018 registered at Khadak Police Station, District : Pune for the offences punishable under Sections 387, 364(A) r/w Section 34 of the Indian Penal Code, Sections 4 & 25 of the Arms Act, Sections 142, 37(1) r/w Section 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) of the Maharashtra Control of Organized Crime Act, 1999.
3. The bail is sought on the ground of long incarceration as under-trial prisoner and parity.

4. The learned counsel for the applicant submits that the applicant is in jail for more than six years. The learned counsel for the applicant in support of the ground of parity has placed on record the order passed by this Court dated 16.10.2023 in Bail Application No.378 of 2023. By the said order, this Court has released the co-accused Suraj Laxman Chavan on bail.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the trial has commenced and the prosecution has examined 11 witnesses. It is submitted that at this stage the applicant may not be released on bail.

6. I have perused the charge-sheet. The role attributed to the co-accused Suraj Laxman Chavan and the present applicant appears to be identical. It appears that the trial Court started recording evidence in the year 2022 and the trial is still at the stage of evidence only. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

(i) Criminal Bail Application is allowed;

(ii) The applicant is directed to be released on bail in connection with Crime No. 338 of 2018 registered at Khadak Police Station, District : Pune for the offences punishable under Sections 387, 364(A) r/w Section 34 of the Indian Penal Code, Sections 4 & 25 of the Arms Act, Sections 142, 37(1) r/w Section 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) of the Maharashtra Control of Organised Crime Act, 1999 on executing PR. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount;

(iii) The applicant after his release shall not enter into the limits of the Pune District, except for attending the trial and for the purpose of reporting to the Investigating Officer, till conclusion of trial;

(iv) The applicant shall attend the Police Station, within whose jurisdiction he is going to reside after after his release twice in a month on first and third Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the concerned Police Station and shall intimate in case there is any change in address;

(vi) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason;

(vii) If any of the above conditions are breached, it will be open for the prosecution to make an application for the cancellation of bail.

(viii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)