

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

BAIL APPLICATION NO.2327 OF 2025

Aziz Hafiz Sayed Irani

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Nitin Sejpal a/w Siddharth Gharat and Mr. Sameer Ganti,
for the Applicant.

Ms. Anuja S. Gotad, *APP for the Respondent - State.*

PSI – M.B. Dhumal, Bhoiwada Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.

DATED: 22ND SEPTEMBER 2025

PC:-

1. Applicant seeks his release on bail in connection with FIR No.336 of 2018 registered with Bhoiwada Police Station for the offences punishable under Sections 392 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999.

2. The allegation of the prosecution against the present Applicant is that on 4th December, 2018 when the

complainant alongwith her mother left their house at about 06:30 p.m. and while they were near Aaimai Merwanji Road opposite KEM Hospital, two persons accosted them on a motorcycle and the pillion rider snatched complainant's gold mangalsutra and pushed her down and fled away on the motorcycle. Two accused were apprehended at the spot of the incident. The police were called. When the police arrived, the accused including the Applicant were identified by the complainant, leading to registration of the FIR with the Bhoiwada Police Station.

3. At the very outset, Mr.Sejpal, learned counsel for the Applicant pointed to an order dated 1st April, 2025, passed in Bail Application No.2861 of 2024 pertaining to the co-accused, whereby this Court granted bail to him. It is his statement that the role attributed to both the accused i.e. co-accused as well as the Applicant herein is exactly similar in nature. He points to paragraph No.8 of the said order. Paragraph No.8 of the said order reads thus:

“8. The only reason which impels me to consider the present Application is the long incarceration of the Applicant in prison which is for the past 6 years 11 months 20 days pending trial. Without delineating any opinion on merits of the case, it is seen that investigation of the matter is completed, charge-sheet has been filed and trial has already commenced. Undoubtedly the Covid-19 period would have to be taken into account in the interregnum for the delay but still justification for such long pendency of trial, long incarceration and no reasonable certainty of the trial being completed in the near foreseeable future as according to prosecution 2 more witnesses are yet to be examined further persuades me to consider the Application of the Applicant for bail.”

4. He submits that as per the statement made before the Court on that date, during the hearing of the bail application of the accused it was submitted by the learned APP that out of 29 witnesses, 26 were examined and only 3 witnesses remained to be examined. This Court has recorded the statement of learned APP in the order dated 1st April, 2025.

5. Today, Ms.Gotad, learned APP submits that the two witnesses yet remain to be examined. She submits that the date before the Trial Court is fixed for tomorrow, for cross-examination of one of the witness and thereafter only one will remain to be examined. In these circumstances, she submits that the present Bail Application be rejected. She also submits that the Applicant has 7 antecedents. In rejoinder, Mr.Sejpal submits that the co-accused who was enlarged on bail, by order dated 1st April, 2025 has 37 antecedents and yet bail was granted to him.

6. I have perused the order dated 1st April, 2025 passed by this Court. The co-ordinate Bench has dealt with each and every aspect argued in the matter and has thereafter deemed it fit to grant bail to the co-accused. The role attributed to the Applicant is exactly similar to that of the co-accused enlarged on bail by the co-ordinate Bench. Thus, applying the principle of parity, I am inclined to release the Applicant on Bail. Hence, I pass the following order:-

ORDER

- i) The Applicant be enlarged on bail, on furnishing PR Bond in the sum of Rs.50,000/ with one or two sureties in the like amount;
- ii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- iii) Applicant shall attend the trial Court on first Monday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Monday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- iv) Applicant shall co-operate with the conduct of trial and attend the trial Court on

all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

vi) Applicant shall deposit his passport if any with the Trial Court;

vii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

viii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail,

to the concerned Police Station and also to the trial Court; and

ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

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

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)