

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1886 OF 2025

Fateh Israil Ansari S/o Mohammed Israil Ansari ...Applicant
Versus
State of Maharashtra ...Respondents

Mr. Abdul Hafeez Kotwala a/w Shazia Bano Mohd Shoeb, Tasmiya Siddique, Fatima Rumani i/by Sumaira Legal Associates, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent-State.

API – S.P. Barve, Kapurbawdi Police Station, Thane City, present.

CORAM: R. M. JOSHI, J.

DATED: 4th MAY, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No. 382 of 2023 dated 6th November, 2023 registered with Kapurbavdi police station, for offence punishable under Section 394, 411 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1),(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA), 1999.

2. In short the case of the prosecution is that the present Applicant along with the co-accused robbed of the mobile phone from the Informant. During the course of investigation, identification parade came to be conducted. According to the prosecution the Applicant is identified by the Informant. The Applicant was arrested on 06.11.2023 and since then his is jail.

3. Learned counsel for the Applicant submits that except for the present crime there is no offence registered against the present Applicant. According to him there is nothing on record to indicate that the Applicant is the part of the organized crime syndicate. He claims that the Applicant is aged about 20 years and has no criminal history behind him. He submits that till date charge has not been framed and there is no possibility of commencement and conclusion of trial in a short period of time.

4. Learned APP opposed the application by submitting that directly the provisions of MCOCA are made applicable to the case. It is his submission that during the course of Identification Parade the Applicant has been duly identified by the Informant. It is his submission that the trial can be expedited and in any case the Applicant be not enlarged on bail unless the evidence of the Informant is recorded.

5. There is no dispute about the fact that except for the present crime, there is no offence registered against the Applicant. This Court finds *prima facie* substance in the contention of the learned counsel for the Applicant that there is no material on record in order to show that the Applicant is the member of organized crime syndicate. The Applicant is of young age with no criminal history behind him. Pertinently the identification parade has been conducted after two months of occurrence of incident and time lapsed in between *prima facie* creates doubt about the identification. This Court therefore finds that embargo created under Section 21(4) of the Act may not get attracted to the present case.

6. No charge has been framed till date. This Court therefore finds no reason to accept the contention of learned APP that the trial would commence and get concluded in reasonable period of time. Hence, following order.

ORDER

- i) The Bail Application stands allowed.
- ii) In connection with CR No. 382 of 2023 dated 6th November, 2023 registered with Kapurbavdi police station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant to attend proceedings before the Trial Court unless exempted.
- iv) The Applicant shall attend the Police Station concerned once a month i.e. on First Monday of each month for a period of a year from today.

7. 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.

(R. M. JOSHI, J.)