

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 909 OF 2025

Talib Raju Ali @ Irani	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 1947 OF 2025

Saba Sawar Sayyed @ Irani	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Vinod Kashid a/w Mr. Abdul Shaikh a/w Mr. Sumit Bhoite, for
Applicant in BA No. 909/2025.

Mr. Sumeet R. Garje a/w Mr. Jamal Khan a/w Mr. Arjun Gholve,
for Applicant in BA No. 1947/2025.

Mr. H. J. Dedhia, APP, for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 28th APRIL, 2026

PC:-

1. Both applications since arise from same crime, heard together.

2. Applicants seek bail in connection with Crime No.501 of 2023 registered with Khadakpada Police Station, Kalyan, Dist. Thane for the offences punishable under Sections 307, 399, 353, 332, 333, 336, 224, 225, 427, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860 (for short, "IPC") and

Sections 3(1)(ii), 3(2), 3(4) of The Maharashtra Control of Organised Crime Act, 1999 (for short, "MCOCA Act").

3. In short, it is the case of the prosecution that on 09.11.2023 at about 12:45 a.m. information received from the secret informant about the accused in Crime No. 542 of 2023 having gathered at the particular place. The said place was raided. It is the case of the Informant that scuffle took place between those persons and the police personnel. The First Information Report specifically states about Applicant Talib Raju Ali @ Irani being taken in custody by the police personnel. The allegation is that other accused persons fled from the spot and the some known and unknown persons attempted to free Talib. In the said attempt, they assaulted the police personnel with the sticks and they also pelted stones at them. Such allegations is against Applicant Saba Sawar Sayyed @ Irani. After conclusion of investigation, chargesheet has been filed.

4. Learned Counsel for the Applicants submits that the co-accused against whom there is allegation that they assaulted the police personnel i.e. accused Nos. 4, 5 & 6 are already enlarged on bail. Therefore, seeks bail on parity. Apart from this it is argued that, there is no allegation against Applicant Talib as he caused any assault on the police personnel since he was taken into custody by the police immediately. In so far as Applicant Saba Irani is concerned, learned Counsel for the Applicant submits that there is no specific allegation or role attributed to this Applicant. They therefore, seeks enlargement

of the Applicants on bail. Learned Counsel for the Applicant submits that the Applicant was taken in custody from Bidar on 30th December 2023 however, she was produced before the Special MCOCA Judge on 1st January 2024. To support his submission, he referred to the remand order dated 1st January 2024.

5. Learned APP opposed the application by contending that the offence under MCOCA has been made applicable against the present Applicants and considering the provisions of Section 21(4) of the Act, Applicants are not entitled for bail. He also seeks rejection of the bail on the ground that there are number of antecedents against the present Applicants.

6. *Prima facie* perusal of the record indicates that the role alleged against the Applicant Talib is not of causing assault on any of the police personnel as he was taken into custody. The allegation is that in order to set him free, the other accused persons assaulted the policemen. In this regard however, it is pertinent to note that accused Nos. 4, 5 and 6 who also set to have assaulted to the police personnel, are already enlarged on bail.

7. This Court therefore finds no reason or justification not to enlarge the Applicant Talib on bail.

8. Apart from the fact that the Applicant Saba though her name in the First Information Report, there is no specific role/over tact attributed to her. Moreover, as per the first order of

remand, the Applicant was taken in custody on 30th December 2023 and she was produced before the Magistrate after 48 hours i.e. on 1st January 2024. Thus, this Court finds substance in the contention of the learned Counsel for the Applicant that the Applicant was detained in custody illegally. On both counts, applicant deserves bail.

9. In view of the above, following order :-

ORDER

- i) Criminal Bail Application Nos. 909 of 2025 and 1947 of 2025 stands allowed in connection with Crime No. 501 of 2023 registered with Khadakpada Police Station, Kalyan, Dist. Thane for the offences punishable under Sections 307, 399, 353, 332, 333, 336, 224, 225, 427, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860 and Sections 3(1)(ii), 3(2), 3(4) of The Maharashtra Control of Organised Crime Act, 1999.
- ii) The Applicants be enlarged on bail, on furnishing P. R. Bond of Rs.30,000/- (Rupees Thirty Thousands only) each with one or two local sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicants are directed to attend the concerned Police Station once in a month, initially for a period of one year.

- iv) The Applicants are directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- v) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

10. In view of the above, Application stands allowed and disposed of accordingly.

11. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-