

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.486 OF 2020
(@ out of SLP (CrI.)No.3312/2020 Diary No(s). 11146/2020)

FARIDUL HAQUE SHAH ALIAS TIPU

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal challenges the order dated 02.12.2019 passed by the High Court of Judicature at Bombay in Criminal Bail Application NO.1845 of 2019 preferred by the appellant.

In connection with FIR No. 479 registered with Naagpada Police Station, Mumbai on 26.10.2018, in respect of offences punishable under Sections 387, 420, 370(1), 134 IPC and certain other Sections punishable under PITA Act, the appellant was not named as an accused.

It appears that during the course of investigation, the appellant was arrested on 27.10.2018. The application for bail preferred by the appellant having been rejected by the High Court,

the present appeal has been filed. During the course of its order, the High Court recorded that during the search of the house of the appellant, 35 Indian Passports of females were found, out of which only six passports were valid. The explanation given by the learned counsel appearing for the appellant was recorded in para 14 of the Judgment, but was not found to be acceptable.

At this juncture, we do not deem it appropriate to enter into the merits or demerits of the contentions raised on behalf of the appellant. However, the fact remains that the appellant is in custody since 27.10.2018.

Though Mr. Rahul Chitnis, learned Standing Counsel appearing for the State vehemently opposed, in our view, the case for bail is made out.

We order accordingly and direct that the appellant shall be produced before the Trial Court within three days from today and shall be released on bail on such conditions as the Trial Court may deem it appropriate, which may inter alia include i) that the appellant shall not leave the city of Mumbai without express permission from the Trial Court; ii) that he shall deposit his Passport with the Investigating machinery; and iii) that he shall not in any way try to influence the course of investigation and conduct of trial. Any violation of the conditions may entail in cancellation of bail.

With the aforesaid directions, the appeal stands allowed.
Pending applications, if any, shall also stand disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi,
July 22, 2020.

ITEM NO.8 Virtual Court 5 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11146/2020

(Arising out of impugned final judgment and order dated 02-12-2019 in CRLBA No. 1845/2019 passed by the High Court Of Judicature At Bombay)

FARIDUL HAQUE SHAH ALIAS TIPU Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

Date : 22-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. A.M. Dar Advocate
 Mr.Saurabh Mishra, AOR
 Mr.Rakesh Chander, Advocate
 Mr.Onkar Singh, Advocate

For Respondent(s) Mr. Rahul Chitnis, Adv.
 Mr. Sachin Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)