

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2438 OF 2026

Akram Aslam Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Vinod Kashid a/w. Mr. Sumit Bhoite, Advocates for Applicant.
- Ms. Rajeshree Newton, APP for Respondent.
- HC/592 – K. M. Kakad, Mumbai Naka Post, Nashik

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2026

P.C.:

1. Heard Mr. Kashid, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 seeking Bail in connection with C.R. No.247 of 2017 registered with Mumbai Naka Post, Nashik for offences punishable under Sections 393 and 34 of the Indian Penal Code, 1860 and under Sections 3(1)(ii) and 3(2)(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short '**MCOC Act**').

3. The case of Applicant deserves to be allowed and notwithstanding the fact that he is a gang leader as alleged by the prosecution, he deserves to be released on Bail for the simple reason that the statutory provision under Section 436A of the Code of

Criminal Procedure, 1973 gives the benefit to the Applicant by default.

4. Applicant is indicted in the present offence for which maximum punishment is upto 10 years under Section 392 of the Indian Penal Code, 1860. He has already undergone 5 years and 8 months of incarceration. On the flip side in so far as the trial is concerned, the prosecution trial is almost over, save and except examination of one witness which I am informed by the learned prosecutor will be completed on 21.08.2026. However, in view of the aforesaid statutory provision, Applicant is released on bail subject to following conditions:-

- (i) Applicant is directed to be immediately released from prison in connection with Crime No. 247 of 2017;
- (ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one surety of the like amount;
- (iii) Applicant shall report to the Investigating Officer at the concerned Police Station, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;
- (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 revocation of this order;

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

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

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

5. Bail Application is allowed and disposed of in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed by
HARSHADA
HANUMANT
SAWANT
Date: 2026.08.19
10:17:18 +0530