

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

CRIMINAL BAIL APPLICATION NO. 3957 OF 2021

Shaikh Ashfaque Shaikh Munaf Qureshi ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Mahendra N. Sandhyanshiv, for the Applicant.
Mr. Y. Y. Dabke, APP for the Respondent-State.

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**CORAM : C.V. BHADANG, J.
DATE : 6 APRIL 2022**

P.C.

. By this Application, the Applicant, is seeking release on bail in Crime No.36/2020 of Police Station Ayeshanagar, Malegaon, Nashik, under Section 420, 465, 466, 468 and 471 r/w. 34 of IPC.

2. The aforesaid crime is registered on the basis of the complaint dated 6 November 2020 lodged by Police Naik Shyam Shankar Pawar, attached to Ayeshanagar Police Station, Malegaon. According to the prosecution, during the verification / inquiry in connection with the issuance of passport to Zahir

Hashim Haniba, it was revealed that the Applicant has helped the Accused in obtaining a false and forged passport.

3. In this case, after investigation, a chargesheet is filed. The Applicant was arrested on 6 November 2020 and is in custody since then.

4. I have heard the learned counsel for the parties. Perused record.

5. In this case, the Applicant happens to be the Accused No.2. The record discloses that co-accused Ishtiyak Ahmad Irshad Ahmad (Accused No.8), Ulhas Shankarrao Mahale (Accused No.9), Zakir Ali Abdul Majid Khan (Accused No.10) and Shaikh Imran Shaikh Rashid (Accused No.4) have been released on bail by this Court.

6. The learned counsel for the Applicant has sought parity with the co-accused Shaikh Imran Shaikh Rashid (Accused No.4) who has been released on bail by this Court (Revati Mohite Dere, J.) by order dated 30 September 2021 in Criminal Bail Application No.2619/2021.

7. This Application on adjourned in order to enable the learned APP to go through the record and orders passed and then to make appropriate statement in the context of claim of parity.

8. Learned APP, on instruction from the Investigating Officer and after going through the record and the order releasing the co-accused Shaikh Imran Shaikh Rashid (Accused No.4) on bail, submits that the role attributed to the Applicant is similar to the role attributed to the co-accused Shaikh Imran Shaikh Rashid (Accused No.4). This Court in paragraph No.4 of the order releasing Accused No.4 on bail, has noted that the role attributed to the Applicant Shaikh Imran Shaikh Rashid therein, was that the said co-accused took the Accused No.1 to an agent for the purpose of preparing the forged and fabricated documents. It is undisputed that the role attributed to the Applicant is similar.

9. In that view of the matter, accepting the claim of parity, the following order is passed.

ORDER

(i) The Applicant Shaikh Ashfaque Shaikh Munaf Qureshi, be released on bail in Crime No.36/2020 of Police Station Ayeshanagar, Malegaon, Nashik, on executing a P.R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties, in the like amount.

- (ii) The Applicant undertake to remain present during the course of trial, unless exempted.
- (iii) The Applicant shall not tamper with the evidence evidence / witnesses.
- (iv) It is made clear that the observations made herein are *prima facie* in nature, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
- (v) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.