

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

CRIMINAL BAIL APPLICATION NO.107 OF 2024

Mr. Nafiz Kamruddin ...Applicant
vs.
State of Maharashtra ...Respondent

Ms. Deepika Oswal i/b. Kaif Ansari, Advocate for the Applicant.

Mr. A.D. Kamkhedkar, APP for Respondent – State.

PSI Mr. Sumit Sansare, Shahapur Police Station present.

**CORAM : S. M. MODAK, J.
DATE : 31st JANUARY 2024**

P. C. :-

1. Heard learned Advocate for the Applicant who is Accused No.2 as per the charge sheet and learned APP for the State.
2. By order dated 25th April 2023 passed in Bail Application No.3545 of 2022 earlier Bail Application of this Accused was rejected on merits. It was rejected after filing of charge sheet. It is also true that liberty was granted to the Applicant to move afresh if the trial will not start within two years (para 12).
3. This application is moved for the reason that co-accused Barkatali Choudhary is granted bail by this Court on 11th October 2023 in Bail Application No.3847 of 2022 (page 15). Parity is claimed but admittedly the role alleged against Barkatali is playing part in purchase of stolen steel bars, whereas, the role alleged against the Applicant is different. His

role is that he has driven the trailer in which materials were kept and the trailer was driven to Mumbra and thereafter, the articles were sold in open market. This is an offence punishable under Sections 395, 365, 412, 407 of Indian Penal Code. Even though it is true that the Applicant is aged about only 30 years but now re-appreciation of materials is not permissible. No change in circumstance. Hence, rejected.

[S. M. MODAK, J.]