



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1701 OF 2023**

Nadeem Shamim Khan	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Manpreet Kaur with Mr. Samar Pal i/by Falcon Legal, for Applicant.
Mr. S.R.Agarkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 9 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.26 of 2022 registered with Dahisar Police Station for the offences punishable under Sections 143, 144, 146, 147, 148, 149 307, 323, 324, 387, 427, 452, 504, 506, 506(2) of the Indian Penal Code and Sections 4, 25 of the Arms Act and Sections 37(1)(A), 135 and 142 of the Maharashtra Police Act.
3. Learned Counsel for the Applicant, at the outset, submits that the co-accused Anand Shivram Dhangar, Jatin Bhoir and Panesh Bhoir have been released on bail on 20 December 2023. Co-accused Sanjay Choube @ Choubey has also been released on bail by an order dated 22 December 2023.
4. I have perused the orders passed by this Court in BA No.2178 of 2023 dated 20 December 2023 and BA No.3780 of 2022 dated 22 December 2023, and the

report under Section 173 of Cr.P.C., and the documents annexed with it. I do not find any qualitative difference between the role attributed to the applicant and the co-accused, who have been enlarged on bail. The applicant was allegedly a member of the unlawful assembly and committed the offences in prosecution of common object of unlawful assembly. Co-accused who have been released on bail, were also members of the said unlawful assembly, with more or less identical role.

5. In the circumstances, the applicant also deserves the same dispensation.
6. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Nadeem Shamim Khan be released on bail in C.R.No.26 of 2022 registered with Dahisar Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the learned Sessions Judge.
- (iii) The applicant shall mark his presence before the Dahisar police station as and when directed, till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.
- (iv) The applicant shall not tamper with the prosecution evidence.

The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and alternate residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations hereinabove are confined to the consideration of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant.

Application disposed.

(N.J.JAMADAR, J.)