IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4794 OF 2025

Wasim Altaf Pathan ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Asshish V. Shukla a/w Prachish V. Shukla, Aman S. Singh and Arusha Mishra*, for the Applicant.*
Ms. Anamika Malhotra*, APP for the Respondent - State.*
Pairavi PSI – Kishor Desai, Dindoshi Police Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 24TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.890 of 2023 dated 3rd December, 2023, registered with the Dindoshi Police Station, for the offences punishable under Sections 279, 336, 411, 413, 414, 420, 465, 467, 468, 471, 482 and 34 of the Indian Penal Code, 1860 ('IPC')and Sections 179 and 184 of the Motor Vehicles Act, 1988 .

2. The case of the prosecution, in brief, as discerned from the FIR is that on 3rd December, 2023 at around 21:00 hours, the present Applicant along with co-accused was driving a four-wheeler, specifically a Creta Car, at a high speed. The Applicant was driving the said car. The police asked him to stop, but he sped away. Upon chasing the vehicle, the police were able to stop the present Applicant and took him in custody. Later it transpired that it was a stolen car. On further investigation, it was revealed that the Applicant and the co-accused were dealing in stolen cars and selling them to the purchasers by taking huge amounts from them. Accordingly, FIR was registered against the Applicant and co-accused and both of them were arrested on 3rd December, 2023. The Applicant was remanded to police custody and thereafter to judicial custody.

3. The Applicant made two successive bail applications before the Trial Court, however, said applications were rejected by the Trial Court. He then, made an application

before this Court, however, by order dated 2nd September, 2025, the Applicant was permitted to withdraw the said bail application with liberty to apply before the Sessions Court. This was done on the premise that co-accused was granted bail. The Applicant filed another bail application before the Sessions Court which was also rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Asshish Shukla, learned counsel for the Applicant, submits that all the co-accused have been enlarged on bail by the Sessions Court and this Court. He further submits that the role of the present Applicant is identical to the role of the co-accused. Hence, he claims parity with the co-accused. He also submits that the Applicant is in jail from 3rd December, 2023 and has suffered incarceration for more than 2 years. He thus, prays that the Applicant be released on bail.

5. Ms. Anamika Malhotra, learned APP representing the State, at the very outset, took an objection that the

Applicant has done nothing but forum hunting. The Applicant's two bail applications were rejected by the Sessions Court and hence, he has filed the a bail application before this Court, which he then withdrew and again went to the Sessions Court. The reason for withdrawal was apparently that the co-accused had obtained bail from the Sessions Court. After his bail application was rejected by the Sessions Court, he has filed the present Bail Application. She submits that in the investigation it is revealed that the present Applicant has sold three cars to one of the witnesses in the present case. She further submits that he has six antecedents pertaining to car theft. However, all these offences are registered in Madhya Pradesh and not in Maharashtra. She thus, submits that the present Bail Application be rejected.

6. I have heard learned counsel for the respective parties and perused the record with their assistance. I have also perused the order granting bail to the co-accused. It appears that all the three accused played identical role in the

car theft as alleged by the prosecution. The co-accused are granted bail. Hence, only on the principle of parity, I am inclined to enlarge the Applicant on bail and it is ordered as under:-

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)