

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

CRIMINAL BAIL APPLICATION NO. 2936 OF 2024

1. Vaspi Mehmud Khan @ Vasim Chikna
2. Gaurav Vinod Bhatia @ Nhayi
@ Sandeep Bishnoi ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Tanveer Aziz Patel a/w Mr. Asit Yashwant Chaware, Advocate
for the Applicants.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

Mr. Swapnil Kedar (A.P.I.) Panvel City Police Station, Navi
Mumbai, present.

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CORAM : N. R. BORKAR, J.
DATE : 6th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicants came to be arrested in Crime No.287 of 2024 registered with Panvel City Police Station, District : Navi Mumbai for the offences punishable under Sections 115, 120(B) and 506(2) of the Indian Penal Code.
3. According to the prosecution applicants and other co-accused are members of Bishnoi gang. It is alleged that they

hatched the conspiracy to kill a film actor Salman Khan, as he had allegedly killed a black-buck, a sacred animal for Bishnoi Community. It is alleged that for that purpose, they conducted recce. It is alleged that present applicants were part of Whats-app group, which was created for the said purpose.

4. The bail is sought on the ground of parity. In support of it, the learned counsel for the applicants has placed on record the order passed by the Sessions Court dated 31.08.2024 in Bail Application No.580 of 2024. By the said order, the Sessions Court has granted bail to the co-accused Deepak Hawasingh Gogoliya. The learned counsel for the applicants further submits that there is no material to connect the applicants with the alleged Bishnoi gang or the alleged crime. It is submitted that nothing is recovered from the applicants to connect them with the alleged crime.

5. On the other hand, the learned A.P.P. submits that the applicants are involved in serious crime. It is submitted that there is a material to show that applicants were members of Whats-app group, where conspiracy was hatched. It is submitted that considering the nature of offence, the

applicants may not be released on bail. It is further submitted that there are criminal antecedents against the applicants.

6. As regards the criminal antecedents, the learned counsel for the applicants submit that they are of the year 2013 and 2014.

7. I have perused the order passed by the Sessions Court, by which the Sessions Court has released Deepak Gogoliya on bail. According to the prosecution said co-accused Deepak Gogoliya was also part of Whats-app group. There is no other incriminating material against the applicants. Considering the overall facts and circumstances, I am inclined to release the applicants on bail on certain conditions.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicants are directed to be released on bail in connection with Crime No.287 of 2024 registered with Panvel City Police Station, District : Navi Mumbai for the offences punishable under Sections 115, 120(B) and 506(2) of the Indian Penal Code on executing PR. Bond in the sum of Rs.50,000/- each with one or two sureties

in the like amount;

(iii) The applicants shall attend the concerned Police Station twice in a month on first and third Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(iv) The applicants shall not enter into the limits of Greater Mumbai and Sub-urban Mumbai District till conclusion of trial;

(v) The applicants shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason;

(vi) The applicants shall not commit any other crime;

(vii) It would be open to the prosecution to file an application for cancellation of bail, if the applicants commit the breach of aforesaid conditions.

(viii) Application stands disposed of in the aforesaid terms.

(N. R. BORKAR, J.)