

Shabnoor

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

BAIL APPLICATION NO.3246 OF 2024

Mohd. Sabat Ayub Ansari	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Vedchetan Patil a/w Mr. Salman A. Momin, for Applicant.

Ms. Rajashree Newton, APP for State – respondent.

Mr. Pramod Devre, PSI for Padgha Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 11, 2025

P.C.:

1. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973. The applicant seeks to be released on bail in connection with Crime Register No. 101 of 2024 registered with Padgha Police Station, Bhiwandi. The offences alleged against the applicant are punishable under Sections 395 (dacoity by five or more persons), 392 (robbery), 201 (causing disappearance of evidence), read with Section 34 (common intention) of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident occurred on 24th February 2024 around 6:30 a.m., when the complainant along with witnesses was travelling from Nashik to Mumbai in a

car. It is alleged that four persons followed their car near Padgha Toll Naka and forcibly took away a bag containing valuables and escaped in a car towards Nashik. The prosecution claims that the number plate fixed on the car used in the crime was forged, and that this forged number plate was allegedly prepared and supplied by the present applicant. The applicant was arrested on 29th February 2024. During the course of investigation, it is further alleged that certain stolen gold ornaments were recovered at the instance of the applicant. The applicant's bail application before the Sessions Court was rejected. Hence, the present bail application has been filed before this Court.

3. Learned counsel for the applicant has submitted that initially, the only allegation against the applicant was that he had prepared a forged number plate, which was later used in the commission of the alleged offence by the co-accused. It is contended that such an allegation, even if accepted at face value, would at most attract the offence under Section 201 of the IPC, which is a bailable offence. Despite this, the applicant was arrested. It is further submitted that the recovery of gold ornaments from the applicant was not the basis of the initial FIR or investigation. Rather, only when the applicant filed a reply in the revision application, the prosecution took a stand that recovery of the stolen ornaments was made. It is also pointed out that the recovery was not made from the direct possession of the applicant, but from an open space under a stone near the highway, which according to the applicant weakens the claim of conscious possession. Hence, it is urged that the applicant deserves to be released on bail.

4. On the other hand, the learned APP has opposed the bail application. It is submitted that the offence in question is serious in nature involving robbery and dacoity, and that the stolen gold ornaments have been recovered during investigation at the instance of the applicant. It is further contended that other co-accused may still be absconding and release of the applicant on bail at this stage may hamper the further course of investigation or trial.

5. On careful perusal of the charge-sheet, statement of the victim, and other material placed on record, it appears that the initial role attributed to the applicant is limited to the alleged act of preparing a forged number plate. As per the prosecution's case, this forged number plate was affixed to the vehicle used by the main accused persons for the purpose of concealing the identity of the car during the commission of the alleged offence.

6. It is important to note that the core allegation against the applicant is not of directly participating in the dacoity or robbery, but of assisting in preparation of a forged number plate which, according to the prosecution, facilitated the main offence. This role, even if taken at its highest, prima facie falls under the purview of aiding the suppression of the vehicle's identity and may attract liability under Section 201 or allied provisions, depending on proof during trial. No overt act is attributed to the applicant of being present at the scene of offence or participating in the act of robbery.

7. Further, it is seen that the stolen property, namely gold ornaments, was not recovered from the personal possession of the applicant but was found hidden in an open area on the highway underneath a stone. The said place of recovery is not one exclusively linked to the applicant, which introduces a factual dispute requiring deeper trial scrutiny.

8. The applicant has been in custody since 29th February 2024. There is no material on record to suggest that the applicant has any criminal antecedents. Considering the limited nature of the applicant's role, the fact that recovery is not from his personal possession, and the stage of trial proceedings, I am of the opinion that a prima facie case for grant of bail is made out.

9. The applicant deserves to be released on bail, however, with stringent conditions, to ensure his availability during trial, and to prevent any misuse of liberty or interference with the investigation or prosecution witnesses.

10. In view of the above discussion, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, Mohd. Sabat Ayub Ansar, shall be released on bail in connection with C.R. No. 101 of 2024 registered with Padgha Police Station, Bhiwandi, upon furnishing a personal bond of ₹25,000/- (Rupees Twenty-Five Thousand Only), with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, and subject to the following conditions:

(c) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.

(d) The applicant shall not tamper with the evidence or attempt to contact, influence, threaten, or intimidate any prosecution witness in any manner.

(e) The applicant shall attend the Trial Court regularly on each date of hearing unless prevented by sufficient cause, which shall be communicated in advance to the satisfaction of the Trial Court.

(f) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(g) The applicant shall not commit any offence or indulge in any criminal activity during the pendency of the trial.

(h) At the time of furnishing surety, the applicant shall provide his current residential address and mobile number to the Investigating Officer and the concerned Trial Court, and shall inform the Court in writing of any change in address or contact details during the pendency of the case.

11. The Bail Application stands disposed of.

(AMIT BORKAR, J.)