

Shabnoor

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

BAIL APPLICATION NO.3426 OF 2024

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Junaid Mobin Ahmed Ansari

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Meghashyam Kocharekar for the applicant.

Ms. Shilpa G. Talhar, APP for the State.

Mr. Anwar Shaikh, Padgha Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 18, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 101 of 2024 registered with Padgha Police Station, Bhiwandi. The applicant is alleged to have committed serious offences 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, on 24th February 2024 at about 6:30 a.m., the complainant, along with other persons, was travelling from Nashik to Mumbai by car. When they reached near Padgha Toll Naka, another car allegedly began following them, in

which four unknown persons were travelling. It is alleged that the said persons forcibly stopped the complainant's vehicle, threatened them, and snatched away a bag containing gold ornaments and other valuables. Thereafter, the accused persons fled from the scene towards Nashik. According to the prosecution, the number plate affixed on the car used in the offence was fake. It is further alleged that the present applicant was the one who prepared and provided the said forged number plate. The applicant was arrested on 3rd March 2024. During investigation, it is also claimed that certain gold ornaments forming part of the stolen property were recovered at the instance of the applicant. It appears that a prior application for bail moved by the applicant before the learned Sessions Court was rejected. The applicant has, therefore, approached this Court with the present bail application.

3. Learned advocate appearing for the applicant submits that the applicant's role in the present crime is of a limited nature and is almost similar to that of another co-accused who has already been granted bail by this Court in Bail Application No. 452 of 2025 vide order dated 9th July 2025. She submits that the principle of parity would apply in the present case as well. It is further pointed out that the applicant was not known to the complainant or the witnesses and yet, the Investigating Officer did not conduct any Test Identification Parade (TIP). Therefore, she submits that the identity of the applicant is doubtful, and hence, the applicant deserves to be released on bail.

4. On the other hand, the learned Additional Public Prosecutor has opposed the grant of bail. It is submitted that the present

applicant stands on a different footing from the accused in Bail Application No. 452 of 2025. It is pointed out that a knife was recovered from the possession of the present applicant, which indicates a graver role in the commission of the offence. Therefore, it is urged that the applicant does not deserve the benefit of parity, and the application may be rejected.

5. I have carefully considered the submissions advanced by the learned advocate for the applicant and the learned Additional Public Prosecutor. I have also perused the material on record including the FIR, statements of witnesses, and recovery panchanama. It is not in dispute that the applicant is not named in the FIR. The allegation against the applicant is that he had prepared and supplied the forged number plate used on the vehicle involved in the incident. No overt act of robbery or dacoity is attributed to the applicant in the commission of the principal offence.

6. It is further to be noted that no Test Identification Parade was conducted by the Investigating Officer. The prosecution has not brought on record any material to prima facie indicate that the complainant or the witnesses had prior knowledge or acquaintance with the applicant. In such circumstances, non-conduct of TIP assumes significance.

7. Moreover, the learned advocate for the applicant has rightly placed reliance on the order dated 9th July 2025 passed in Bail Application No. 452 of 2025, wherein co-accused with a similar role was granted bail by this Court. The prosecution has tried to

distinguish the present applicant by alleging recovery of a knife; however, the said recovery, by itself, is not sufficient at this stage to deny the benefit of parity, particularly when no specific role of the applicant in the act of dacoity is alleged. The recovery of gold ornaments at the instance of the applicant will certainly be a matter for trial, and cannot be the sole ground to continue his incarceration indefinitely.

8. The applicant is in custody since 3rd March 2024, and there is no indication that further custodial interrogation is required. The charge-sheet appears to have been filed and the investigation qua the applicant is substantially complete. Therefore, continued detention of the applicant is not warranted, particularly when his further detention would not serve any fruitful purpose.

9. Considering the overall facts and circumstances of the case, the nature of allegations, the role attributed to the applicant, and the principle of parity, this Court is of the considered opinion that the applicant deserves to be enlarged on bail, subject to suitable conditions.

10. Hence, the following order is passed.

11. The applicant is directed to be released on bail in connection with Crime Register No.101 of 2024, registered with Padgha Police Station, Bhiwandi for offences punishable under Section 395, 392, 201, read with Section 34 of the IPC, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - c) The applicant shall report to the Padgha Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- 12.** The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)