

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

Criminal Bail Application No.3557 of 2024

Arbaaj Ayub Patel

Age: 24 years, Occ.: Fruit Stall,
At post – Sr. No.191, Near Buddha
Vihar, Nagpur Chawl, Yerwada,
Pune.

(At present Yerwada Central Jail)

... Applicant

Versus

The State of Maharashtra
Through Vimantal Police Station, Pune
(Copy to be served on P.P., A.S.,
Bombay High Court

... Respondent

Mr Kuldeep Nikam, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

API Prashant Mane, Vimantal Police Station, Pune City.

Coram: R.N. Laddha, J.

Date: 3 November 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.424 of 2023, registered at Vimantal Police Station, Pune, for the offences punishable under Sections 392, 352, 427, 504, and 506 read with 34 of the Indian Penal Code, and Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of

Organised Crime Act, 1999.

2. It is the case of the prosecution that on 8 August 2023, at approximately 7:00 p.m., the complainant, along with his associate, Rajesh Ahirwar, commenced their business activities on a handcart. On the following night, at around 12:15 a.m., while the complainant and his associate were collecting their belongings and preparing to return home, co-accused Chikya, the gang leader, accompanied by the applicant and co-accused Bablu, arrived at the location on a black Activa two-wheeler. It is alleged that co-accused Chikya approached the complainant and issued threats, questioning his right to conduct business at the said spot and directing him to immediately shut down his handcart. He further abused and intimidated the complainant. Thereafter, the applicant allegedly instigated further intimidation by ordering the complainant to accompany them on the scooter. The co-accused Bablu then purportedly attempted to assault the complainant by striking him with his hand, compelling the complainant to flee the scene out of fear.

3. It is further alleged that co-accused Chikya chased the complainant but, upon being unable to apprehend him, returned to the handcart and proceeded to threaten the complainant's associate, Rajesh. The accused persons are

alleged to have forcibly moved the handcart, scattered the goods, caused damage to it, and unlawfully removed an amount of Rs.3,000/- from the cash box. When Rajesh objected to their conduct, the accused allegedly threatened him, proclaiming their dominance in the locality and warning him of dire consequences should he interfere further.

4. Subsequently, all three accused persons absconded from the spot on the said two-wheeler and proceeded towards the residence of one witness, Shahnaz Nisara Shaikh. It is alleged that they intentionally pushed down and damaged three to four two-wheelers parked outside her house, and further, threw stones at the locked door of her residence, thereby causing property damage and issuing threats to kill her family.

5. Mr Kuldeep Nikam, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the applicant's role is solely limited to allegedly intimidating the complainant, demanding that he accompany the accused on the scooter. The aggravated acts of intimidation and robbery of the cash are attributed to the co-accused, not the applicant. It is further submitted that the alleged stolen money was recovered from the co-accused. The

eyewitnesses to the alleged incident do not implicate the applicant; rather, they implicate the co-accused.

6. The learned Counsel further contends that the allegations are vague and general in nature. The investigation has been concluded, and no further material remains to be recovered or discovered. The applicant has been languishing in jail since 10 August 2023, and the charge sheet was filed on 22 January 2024. Mr Nikam further submits that the applicant undertakes to scrupulously abide by any terms and conditions that may be imposed by this Court, including a condition to remain outside the territorial jurisdiction of Pune District until the conclusion of the trial, and not seek relaxation of any such condition.

7. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the applicant's plea for bail. It is contended that the co-accused, Chikya, who is the gang leader, along with other gang members, including the applicant and co-accused Bablu, are habitual offenders and have constituted an organised crime syndicate. It is further submitted that the said syndicate has, on multiple occasions, engaged in organised criminal activities involving acts of violence and intimidation, with the objective of asserting territorial dominance and

deriving unlawful financial benefit, thereby perpetuating the gang's undue local supremacy.

8. The learned APP asserts that the applicant is an active member of the gang formed and led by co-accused Chikya. Drawing attention to the applicant's specific role in the commission of the present offence, it is submitted that the applicant was instrumental in threatening the complainant and snatching money from his handcart. It is further submitted that the applicant has a history of similar criminal antecedents and has been involved in illegal activities. Furthermore, the learned APP raises apprehensions regarding the potential consequences of granting bail to the applicant. It is contended that, if enlarged on bail, the applicant is likely to misuse his liberty by intimidating or influencing prosecution witnesses, thereby impeding the fair progress of the trial. Considering the seriousness and gravity of the allegations levelled against him, the learned APP argues that the applicant does not deserve the discretionary relief of bail at this stage.

9. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records, including the affidavit-in-reply filed on behalf of the respondent.

10. Upon a perusal of the record, it emerges that the applicant's alleged involvement is confined to the purported act of intimidating the complainant and compelling him to accompany the co-accused on a scooter. The graver acts of intimidation, assault, and robbery of cash are specifically attributed to the co-accused, not to the present applicant. Notably, the recovery of the stolen cash is attributed to the co-accused. Additionally, the eyewitnesses categorically do not attribute any direct role to the applicant; rather, their statements implicate the co-accused. That apart, the prosecution has failed to record the statement of one Shahnaz Nisara Shaikh, who is stated to be a material witness to the alleged subsequent acts of violence, which further casts doubts on the prosecution's version of events. In the present case, considering the allegations made and the material on record, the Sections invoked against the applicant appear to be a matter of legal debate.

11. Furthermore, the investigation has concluded, and nothing further remains to be recovered or discovered from the applicant. The applicant has been in custody since 10 August 2023. Although the charge sheet was filed on 22 January 2024, the charges are yet to be framed. Considering the limited role attributed to the applicant, the apprehensions expressed by the

prosecution can be adequately addressed by imposing suitable conditions. Moreover, the learned Counsel for the applicant, on instructions, undertakes that the applicant shall not reside within the territorial limits of Pune District until the conclusion of the trial and further undertakes not to seek relaxation of the said condition

12. Having considered the totality of the circumstances, including the applicant's minimal role, the completion of the investigation, the undertaking furnished by the applicant, and his continued incarceration without framing of charge, this Court is of the view that the applicant is entitled to be released on bail, subject to the imposition of conditions. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.424 of 2023, registered at Vimantal Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not, either personally or through any other person, attempt to tamper with prosecution

evidence or issue any threats, inducements, or promises to prosecution witnesses.

(iii) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

(iv) The applicant shall not enter the territorial jurisdiction of Pune District until the conclusion of the trial, save and except to attend the trial proceedings.

(v) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

13. The application stands disposed of accordingly.

14. It is clarified that these *prima facie* observations are confined to determining the entitlement to bail.

[R.N. Laddha, J.]