

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4378 OF 2024**

Shaheed Ayub Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Jitendra Jagtap, *for the Applicant. (Legal Aid)*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
PSI – Kishor Desai, *Pairavi Officer, Dindoshi Police Station, is presnet.*

CORAM Dr. Neela Gokhale, J.
DATED: 22nd September 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 890 of 2023, dated 3rd December 2023, registered with Dindoshi Police Station, Brihanmumbai City, for offences punishable under Section 279, 336, 420, 465, 467, 468, 471, 511 and 34 of the IPC and under Sections 179 and 184 of the Motor Vehicle Act, 1988.

2. The case of the prosecution, as discerned from the FIR, is that on 3rd December 2023 at around 21:00 hours, one accused, namely Wasim, was driving a four-wheeler, specifically a Creta Car, in high speed. The police asked him to stop, but he fled away. Upon chasing the vehicle, the police were able to stop Wasim and took him in custody. The present Applicant was found accompanying Wasim. Accordingly, the Applicant was also arrested. He was remanded to police custody and thereafter to judicial custody. The FIR was registered with the aforesaid provisions. The Applicant filed the bail application before the Trial Court and by order dated 18th June 2024, his bail application was rejected.

3. Mr. Jitendra Jagtap, learned Counsel for the Applicant, appointed through Legal Aid Services, represents the Applicant and Ms. Anamika Malhotra, learned APP, appears for the State.

4. Mr. Jagtap points out that the other two co-accused have already been enlarged on bail. In fact, the present Applicant is

not the main accused and he was simply accompanying Wasim, who was driving the car and is the main accused. No active role is attributed to the said Applicant. The Applicant has suffered incarceration from 3rd December 2023 and as such he has already suffered incarceration for almost two years. He thus, prays that the Applicant be enlarged on bail.

5. Per contra, Ms. Malhotra fairly concedes that the other two accused are released on bail and the Applicant may have a case for bail on the principle of parity. Her only concern is that the present Applicant is a resident of Madhya Pradesh, and in those circumstances, his appearance needs to be secured in the trial.

6. Heard learned Counsel for both the parties and perused the record with their assistance.

7. It appears that the co-accused to whom the active role is attributed and who appeared to be *prima facie* involved in the said offence have already been granted bail. There are two

other cases against the Applicant but none of them are related to car theft. One of them is registered outside Maharashtra. In any case, considering the principle of parity and the inactive role attributed to the Applicant in the present case, this is a fit case for the grant of bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) The Applicant shall attend the Dindoshi Police Station, on the first Monday of every month between 9:00 a.m. to 11.00 a.m. till the conclusion of the trial;

- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;
- v) The Applicant shall not leave India, without 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 mobile 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 concerned Police Station;
- viii) The Applicant to give his permanent address in Madhya Pradesh to the Investigating Officer within one week after his release;

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

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

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

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

(Dr. Neela Gokhale, J)