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

CRIMINAL BAIL APPLICATION NO. 5020 OF 2024

Yasin Imam Shaikh

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Ammar Nizami a/w Mr. T. A. Momin, Advocate for the Applicant.

Mr. T. G. Khan, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th AUGUST, 2025.

P.C. :

1. Heard Mr. Ammar Nizami, learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the Respondent-State.

2. By the present Application, Applicant is seeking bail in Crime No. 150 of 2021 registered with Vishrambag Police Station, Pune for the offences punishable under Section 395 of the IPC and is filed under Section 439 of the Code of Criminal Procedure. Said Crime is registered as Sessions Case No.1143 of 2022 and is pending on the of the Additional Sessions Judge, Pune.

3. There are 6 Accused persons in the said crime. Applicant is Accused No.3.

4. Case of the prosecution is that Prakash Upalkar (Informant) withdrew Rs.50,000/- from his bank account and kept the same in his bag. While proceeding towards his house, when he reached near

Shalgar Shop, his bag containing the amount was snatched by unknown persons.

5. Applicant was arrested on 3rd December, 2021, since then he is in jail. Bail Application at Exhibit-4 filed by the Applicant in Sessions Case No.1143 of 2022 was rejected by the Additional Sessions Judge, Pune on 27th June, 2023.

6. Mr. Ammar Nizami, learned Advocate for the Applicant, submits that the Applicant is seeking bail on the ground of parity. He submits that Ali Ajagar Ikbale Naje (Accused No.4) in the said crime, who is identically placed in the crime, has been released on bail by the Additional Sessions Judge, Pune by order dated 9th May, 2025. He tenders a copy of the said order, which is taken on record and marked 'X' for identification. He submits that the involvement of the Applicant in the said crime is similar and identical to the involvement of Accused No.4 in the said crime. He submits that the FIR is registered against an unknown person. He submits that there is no material to connect the Applicant to the crime which is the subject matter of Crime No.150 of 2021.

7. Mr. T. G. Khan, learned APP for the State, submits that though the involvement of the Applicant is similar and identical to the involvement of Accused No.4 in the said crime, however, the difference in the case of the Applicant is that an amount of Rs. 1,500/- was recovered from the Applicant.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Perusal of the record indicates that the complaint filed by the Informant was against unknown persons. Complaint at page No.25 and the facts mentioned in the order dated 9th May, 2025 passed the Additional Sessions Judge, Pune (at 'X'), reveal that the Applicant and the Accused No.4 in the present crime are similarly placed. Mr. Ammar Nizami, learned Advocate for the Applicant, would be justified in his submission that the role assigned to the Applicant in the present crime is similar to the role assigned to Accused No.4, thus the principle of parity would apply. In the context of the recovery of the amount, Mr. Ammar Nizami, submits that the said amount belongs to the Applicant and at any rate, there is no material placed on record to show that the amount of Rs.1,500/ formed the part of the stolen cash.

10. Considering the facts and circumstances of the present case, Applicant would be entitled to bail on the ground of parity.

11. In view of the above, Criminal Bail Application is allowed on the following conditions :-

(a) Applicant is directed to be released on bail in connection with Crime No. 150 of 2021, registered with Vishrambag Police Station, Pune, upon furnishing P.R. Bond in the sum of Rs. 10,000/- each with one or two sureties each in the like amount, to the satisfaction of the Additional Sessions Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and Applicant shall not tamper

with evidence.

(c) Applicant upon release within 3 days shall furnish his residential address with proof and contact details to the Investigating Officer, Vishrambag Police Station, Pune.

(d) Applicant shall attend the trial in Sessions Case No. 1143 of 2022 pending before the Trial Court regularly on every date unless exempted by the Trial Court.

12. Bail Application No. 5020 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)