

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1135 OF 2025

Sahil Raju Shaikh	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

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- Ms. Sonali Ramchandra Chavan, Advocate for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2025

P. C.:

1. Heard Ms. Chavan, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 297 of 2022 registered with V.P. Road Police Station, Girgaon, Mumbai for offence punishable under Sections 394, 395, 397, 341, 504, 506(2) and 120B r/w 34 of the Indian Penal Code, 1860 (for short, "**IPC**").

3. Ms. Chavan, learned Advocate for Applicant would submit that Applicant is arraigned as Accused No.6 in the present crime. 7 out of 10 Accused persons including the principal conspirator i.e. Accused No.1 have been enlarged on bail. Bail orders passed by this Court and the Sessions Court are appended from page No.500 onwards. She

would draw my attention to one of the said orders enlarging Accused No.9 on bail, which is appended at page No.506 of the Application. She would submit that role of Applicant is identical to that of Accused No.9 in the present crime. Hence, she would persuade the Court to consider grant of bail to Applicant on parity.

3.1. She would fairly inform the Court that role attributed to Applicant is that of throwing chilli powder in the eyes of the First Informant and snatching his bag and handing it over to Accused No.1. Applicant thereafter left the scene of crime by pillion riding on the motorcycle driven by Accused No.4. However, she would submit that after the bag was snatched by Applicant. Applicant did not run away alongwith the bag but it was immediately handed over to Accused No.1 who was present at the scene of crime and who is the principal conspirator. She would submit that Accused No.1 has been enlarged on bail by trial Court even though he being being the main conspirator as noted by Courts in various bail orders of co-accused persons.

4. Mr. Kulkarni, learned APP would persuade the Court to consider the fact that according to prosecution case Accused No.1 alongwith 6 to 7 persons hired from Hadapsar area in Pune conspired to commit the present crime in question and gathered said 6 to 7 persons on the previous date of the incident i.e. on 26.05.2022 at

Sion. He would submit that gold carried in the bag by First Informant employee (Angadia) of one M/s Jayantilal Pravinkumar Company was snatched by throwing chilli powder by Applicant. He would submit that substantial recovery of the said gold ornaments is done but not in its entirety pursuant to thorough investigation carried out and various statements of prosecution witnesses / jewellers all over Maharashtra having been garnered by the prosecution. He would therefore persuade the Court to consider the gravity of crime and reject the Bail Application.

5. I have heard Ms. Chavan, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State and perused the record of the case. Considering the role of the present Applicant and more specifically the fact that apart from the principal key accused person namely Accused No.1 who left the scene of crime alongwith the bag of gold and thereafter disposed and distributed the said gold having been granted bail by this Court, the role of the present Applicant before the Court is similar to that of other co-accused persons who were involved in the crime and have been enlarged on bail.

6. It is seen that rider of motorcycle namely Accused No.4 was instrumental in removing the present Applicant from the scene of crime after he snatched the bag and handed it over to the Accused

No.1. Considering that both Accused No.1 and Accused No.4 having been granted bail and role of present Applicant the Applicant has made out a case for grant of bail on the ground of parity.

7. Needless to state that complicity of the Applicant in the present crime shall be proved by the prosecution at the time of trial.

8. Reliance placed by Ms. Chavan on the Bail orders dated 12.07.2023, 16.10.2023 passed by the Trial Court, order dated 04.11.2023 by this Court (*Coram: M.S. Karnik, J.*), order dated 18.12.2023 passed by this Court (*Coram: G.A. Sanap, J.*), order dated 15.04.2023 passed by this Court (*Coram: M.S. Karnik, J.*), order dated 27.11.2024 passed by this Court (*Coram: Bharat P. Deshpande, J.*) and order dated 24.02.2025 passed by this Court having been considered in the case of co-accused persons, the Applicant can be released on Bail on parity.

9. That apart it is seen that investigation is completed and order records recovery of entire gold ornaments from all other co-accused persons and there is no recovery required to be done from the present Applicant.

10. Hence, in view of the above *prima facie* observations and role of Applicant being in consonance with other co-accused persons and considering parity with other co-accused persons who have

already been granted Bail by virtue of the aforesaid orders, Bail Application is allowed on the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 01.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

11. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

12. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]