

Shabnoor

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

BAIL APPLICATION NO.1196 OF 2025

Jamil Ahmed Ansari @ Sameer	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Farheen A. Shaikh with Ms. Tabassum Khan for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

Mr. J. P. Pillai, PSI (Pairavi), Vile Parle Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, praying for his release on bail in connection with Crime No. 488 of 2021 registered with Vile Parle Police Station. The applicant has been arrested for offences punishable under Sections 302 and 397 read with Section 34 of the Indian Penal Code, 1860, in respect of an incident involving alleged murder and robbery said to have been committed with common intention.

2. The brief facts as set out in the prosecution's case are as follows: On 22nd June 2021, the informant lodged a report with

the police stating that his friend Jigar had gone missing since 12 noon on the previous day, i.e., 21st June 2021. It was informed to the complainant by one Urmila and Lucky Singh—both friends of the said Jigar—that he had not returned home. Lucky Singh further stated that Jigar, who was under the influence of some intoxicant, was believed to be resting or sleeping inside a dilapidated building located at Vile Parle.

3. Acting upon this information, the informant, accompanied by Lucky Singh, Jigar's younger brother Hitesh, and two more friends—Bhavesh and Pankaj—proceeded to the said building in search of Jigar. On reaching there, they noticed Jigar's motorcycle parked outside the premises. Lucky Singh then led them to the fourth floor of the building claiming that Jigar was sleeping at that spot. However, Jigar was not found there. Instead, they noticed bloodstains in the vicinity. Due to the poor lighting conditions and inability to locate Jigar, the group proceeded to the police station and informed the authorities about the incident. The police team then accompanied them to the same building and, upon further search, Jigar was found lying in a grievously injured condition on the ground floor. He was immediately shifted to Cooper Hospital for medical treatment. However, despite efforts by the medical team, he succumbed to the injuries during treatment.

4. Based on the informant's complaint, an offence under Section 307 of the IPC was initially registered against unknown persons. After Jigar's demise, Section 302 of the IPC was added. In the course of investigation, the present applicant came to be arrested on 27th June 2021. Since then, he has been in judicial

custody.

5. Learned advocate for the applicant submitted that this Court has already granted bail to co-accused Ritesh vide order dated 1st July 2025 in Bail Application No. 1780 of 2025. It is submitted that the role attributed to Ritesh is similar to the role attributed to the present applicant. On the principle of parity, it is prayed that the applicant may be extended the same benefit. It is further submitted that the applicant has been in custody since 25th June 2021, even prior to the arrest of the said co-accused Ritesh, who was arrested on 27th June 2021. The learned advocate submitted that prolonged incarceration of the applicant, especially when the trial is yet to commence, would amount to punishment before conviction, which is impermissible in law. It is, therefore, prayed that the applicant may be released on bail.

6. Per contra, the learned APP has strongly opposed the application. It is submitted that there is sufficient material on record to indicate the applicant's involvement in the commission of the offence. It is argued that considering the seriousness of the allegations and the stage of the proceedings, the applicant does not deserve to be enlarged on bail at this stage.

7. I have heard the learned Advocate for the applicant and the learned APP for the State. I have also perused the material placed on record. It is not in dispute that the co-accused Ritesh, who is alleged to have played a similar role in the alleged incident, has already been granted bail by this Court vide order dated 1st July

2025 in Bail Application No. 1780 of 2025. A copy of the said order has been placed on record.

8. On a perusal of the said order, it is seen that the co-accused Ritesh was also arrested in connection with the same crime and that the allegations against him are not materially different from those attributed to the present applicant. In such circumstances, the principle of parity becomes applicable, and the applicant cannot be denied the benefit which has already been extended to a similarly placed co-accused.

9. It is also noted that the applicant has been in custody since 25th June 2021, i.e., for more than four years. As of now, the trial has not commenced, and there is no indication from the prosecution as to when the same is likely to begin. The charge-sheet has already been filed, and the investigation is complete. In such circumstances, continued incarceration of the applicant would amount to pre-trial detention for an indefinite period, which is not permissible in law.

10. No doubt, the offence alleged is serious in nature. However, seriousness of the offence alone cannot be a ground to deny bail, particularly when the role attributed to the applicant is similar to that of a co-accused who has already been granted bail. Further, there is nothing on record to show that the applicant has any past criminal antecedents or that he is likely to abscond or tamper with the prosecution evidence, if released on bail.

11. In view of the above circumstances, and particularly

considering the parity with the co-accused Ritesh, the period of custody undergone, and the stage of trial, this Court is of the considered opinion that the applicant deserves to be released on bail, subject to appropriate conditions to ensure his presence during trial.

12. Hence, the following order is passed.

(i) The applicant is directed to be released on bail in connection with Crime No.488 of 2021, registered with Vile Parle Police Station for offences punishable under Sections 302, 397 read with Section 34 of the Indian Penal Code, 1860, 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 Vile Parle 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.

13. The bail application stands disposed on in the aforesaid terms.

(AMIT BORKAR, J.)