

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1344 OF 2025

Faizal Farukh Rayeen ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Mohsin Ghaniwala a/w Saahil Shaikh, Advocate for the Applicant.
 Mr. Harshwardhan M. Pawar i/b Mr. Satyam H. Nimbalkar, Advocate for Intervener.

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

Mr. Bhosale-PSI, Deccan Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd SEPTEMBER, 2025.

P.C. :

1. Heard Mr. Mohsin Ghaniwala, learned Advocate for the Applicant and Mr. Harshwardhan Pawar, learned Advocate for Intervener and Mr. T. G. Khan, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No.20 of 2024 registered with Deccan Police Station for the offences punishable under Sections 324, 307, 120-B and 201 read with Section 34 of the Indian Penal Code (for short **"IPC"**). Said crime is registered as Sessions Case No.795 of 2024 and is pending before the Court of the Additional Sessions Judge, Pune.

3. There are 5 Accused persons in the present crime.

4. Case of the prosecution is that Ashwinkumar Sheshrao Patil (Accused No.1) had a civil dispute with Shashank Shirole (injured). Accused No.1 engaged Mahesh Mahadev Thombare (Accused No.2) to kill the injured Shashank. Accused No. 2 further engaged the Applicant (Accused No.3), who in turn engaged the assailant Arbaj Khan alias Mastan (Accused No.4) and Mohammad Sohail Jahid Khan (Accused No.5). Accused Nos.4 and 5 assaulted the injured Shashank with a knife, causing injuries.

5. Applicant was arrested on 23rd March, 2024. Bail Application No.5579 of 2024 filed by the Applicant was rejected by the Additional Sessions Judge, Pune by order dated 9th December, 2024.

6. Mr. Mohsin Ghaniwala, learned Advocate for the Applicant, submits that there are no allegations of the Applicant having any motive in the present crime. He submits that at the most, the involvement of the Applicant would be that of engaging the assailants to eliminate the injured. He submits that identical allegations were made against Accused No.2, who has been enlarged on bail by this Court vide order dated 18th March, 2025 passed in Criminal Bail Application No.80 of 2025. He tenders a copy of the order dated 18th March, 2025 passed in Criminal Bail Application No.80 of 2025, which is taken on record and marked 'X' for identification. He specifically points out to paragraph No.7 of the said order, wherein the observations are that there is no motive alleged or attributed to Accused No.2. He submits that the involvement of the Applicant in the present crime is similar to that of Accused No.2. He further tenders copies of the order passed below Exhibit-11 dated 20th May, 2025 and order below Exhibit-16 dated 25th July, 2025 by the Additional Sessions Judge, Pune in Sessions Case

No.795 of 2024, by which Accused No.1 and Accused No.4 have been released on bail, same are taken on record and marked “Y collectively”. He submits that considering the material on record and that Accused Nos.1, 2 and 4 have been released on bail, the case of the Applicant be considered.

7. Mr. T. G. Khan, learned APP for the State, submits that the bank transactions indicate transfer of amounts by the Applicant to the assailants. He submits that a witness by name Hemant Sanjiv Bhokare has made reference to Accused No.2 having received an amount from Accused No.1 and further to Accused No.2 having transferred the amount through a third party to Accused No.3. He submits that there are WhatsApp communications between Accused No.2 and Accused No.3.

8. Mr. Harshwardhan Pawar, learned Advocate for Intervener, submits that the injury caused to the Intervener was on a vital part of the body i.e., on the neck, by the use of a dangerous weapon, i.e. knife. He submits that there is sufficient material on record to indicate the participation of the Applicant as well as Accused No.2 in the present crime.

9. I have perused the records and the orders at Exhibit “X” and “Y collectively” with the assistance of the learned Advocates for the parties.

10. Records reveal that the Applicant is having a role similar to the role assigned to Accused No.2. Accused No.2 as well as Accused No.3 apparently have engaged the assailants. Accused No.2 has been

released on bail. This Court in the order dated 18th March, 2025 passed in Criminal Bail Application No.80 of 2025 (marked at “X” for identification), while considering the Bail Application of Accused No.2, has observed that there is no motive attributed to Accused No.2 in the present crime. Accused No.1 is the person who had the motive to kill the injured. Accused No.1 has been released on bail by order dated 20th May, 2025. Similarly, the assailant Accused No.4 is released on bail vide order dated 25th July, 2025 (marked as “Y” Colly for identification.)

11. Considering the above said facts and the nature of allegations against the Applicant, prima facie, the role assigned to the Applicant in the present crime is similar to the role assigned to Accused No.2. In view of the above and also on the principle of parity, the Applicant is entitled to bail.

12. Mr. Mohsin Ghaniwala, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant shall not enter the jurisdiction of the Corporation Limits of Pune City till the conclusion of trial in Sessions Case No.795 of 2024. Statement accepted.

13. Bail Application is allowed on the following conditions:-

- (a) Applicant be released on bail in Crime No.20 of 2024 registered with Deccan Police Station, Pune City upon furnishing P.R. Bond in the sum of Rs. 25,000/-each with one or two local sureties 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 such person from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(c) Applicants upon release, within 3 days shall furnish to the Investigating Officer, Deccan Police Station, Pune, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

(d) Applicant shall attend and regularly appear before the Additional Sessions Judge, Pune in Sessions Case No. 795 of 2024 on each date of hearing unless exempted specifically by the Court.

(e) Applicant shall not enter the jurisdiction of the Corporation Limits of Pune City till the conclusion of trial in Sessions Case No.795 of 2024, except for attending the hearing of the case.

14. Criminal Bail Application No. 1344 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)