

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1671 OF 2025

Mohd Naim Hanif Patel

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Tapan Thatte, Advocate i/by Mr. Vivek Arote for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 25, 2025

P.C.:

1. Heard Mr. Thatte, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Applicant is arraigned as Accused No.5 in the present crime. It is case of prosecution that Accused Nos.1 to 7 carried out heist in the premises of First Informant – Complainant and took away gold worth Rs.2 Crores by posing as Officers of Enforcement Directorate.

3. Two of Accused persons namely Accused Nos.4 and 7 are enlarged on bail. According to Mr. Thatte, Accused No.4 is the main conspirator of the present crime and role of other co-accused persons is alleged to have aided him as per prosecution case.

4. Applicant was arrested on 27.01.2023 and is incarcerated since then. Role attributable to Applicant as seen from prosecution case according to Mr. Thatte is that he slapped the First Informant and

was carrying a handcuff (हलकडी) with him. In so far recovery is concerned, according to prosecution case Accused has received Rs.5 Lakhs which is recovered from his possession.

5. Mr. Thatte would submit that ground of parity be made applicable for release of Applicant on bail in view of bail being granted to Accused Nos.4 and 7. Role of Applicant is far much less as compared to Accused Nos.4 and 7 since substantial recovery of alleged gold which was taken has been recovered from them despite which they have been released on bail.

6. He would submit that the present Applicant had received Rs.5 Lakhs and the same has been already recovered by the prosecution and in that view of the matter, he would persuade the Court to consider his incarceration in prison of more than 2 years 2 months months and ground of parity for grant of bail.

7. Learned APP appearing in the matter shall ascertain the veracity of submissions made by learned Advocate for Applicant and accordingly apprise the Court about the precise role of Applicant to enable this Court to consider the Bail Application.

8. Mr. Thatte would submit that Applicant is suffering from a medical ailment and in the course of his submissions has handed over a compilation of medical papers to the learned APP. Learned APP is directed to call for an appropriate report from the Chief Medical

Officer of Hospital in Mumbai Central Prison by handing him over the said compilation of medical documents pertaining to Applicant and file the report in Court.

9. Let the report be filed on the next date for consideration.

10. Stand over to **02nd May, 2025**. To be placed under the caption '**For Directions**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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