

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

Criminal Bail Application No. 2557 of 2025

Mohammed Shahebaz Mohammed

Yusuf @ Commodo

Aged 25 years, Occ.: Labour,

Survey No.143, Gali No.3,

Golden Nagar, Near Ahle-hades

Masjid, Golden Nagar, Malegaon,

Dist. Nashik.

(At present Nashik Road Central

Prison Nashik)

... Applicant

Versus

The State of Maharashtra

Through Pawarwadi Police

Station, Malegaon, Dist. Nashik.

...Respondent

Ms Aisha Ansari, for the applicant.

Mr Arfan Sait, APP, for respondent / State.

PSI Pawan Shankar Supnar, Pawarwadi Police Station,
Malegaon, Nashik Rural.

Coram: R.N. Laddha, J.

Date: 17 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.102 of 2024, registered with Pawarwadi Police Station, Nashik Rural, for offences punishable under Sections

364A, 384, 504, 506 read with 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1959.

2. It is the prosecution's case that on 20 May 2024, at about 9:00 p.m., the applicant, along with three other co-accused, approached the informant, who was sitting outside his residence behind Nyara Petrol Pump on the Mumbai–Agra Highway. The accused allegedly demanded a sum of Rs. 5,00,000/- from the informant and, upon his refusal, assaulted him with fists and blows. It is further alleged that the applicant brandished a country-made pistol, pointed it at the informant, and threatened to kill him. Thereafter, one of the co-accused allegedly forced the informant onto a motorcycle and took him to a hotel, where the informant attempted to escape, resulting in a crowd gathering at the spot. Due to the gathering crowd, the applicant and the other co-accused are stated to have fled from the scene.

3. The learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and submits that the applicant has been falsely implicated in the present crime. It is submitted that the prosecution's case is riddled with inconsistencies and lacks *prima facie* material to substantiate the allegations levelled against the applicant. It is further submitted that there is an

unexplained delay of one day in the registration of the FIR. The learned Counsel emphasises that no incriminating material has been recovered either from the applicant or at his instance. Moreover, the injury certificate reveals that the injuries sustained are simple in nature. The learned Counsel also draws the attention of this Court to the fact that accused Nos.3 and 4 have already been granted bail, and the case of the present applicant stands on an identical footing. It is further submitted that there is no CCTV footage available on record to corroborate the alleged incident, nor is there any CDR to suggest any telephonic communication or nexus between the applicant and the co-accused.

4. It is also brought to the notice of this Court that the informant himself has criminal antecedents and was previously apprehended within the precincts of the Malegaon Court while in possession of a firearm. While it is not disputed that the applicant has certain criminal antecedents, the learned Counsel submits that the same, in isolation, cannot form the sole basis for denial of bail, particularly in the absence of any material linking the applicant to the commission of the alleged offence. In support of his contention, reliance is placed on *Prabhakar Tewari v. State of U.P.*, (2020) 11 SCC 648, wherein it was held that mere pendency of criminal cases cannot be a ground to

deny bail in the absence of other aggravating factors.

5. The learned Counsel further submits that the investigation in the present crime has been concluded and the chargesheet has already been filed before the competent Court. It is urged that no further incarceration of the applicant is warranted as nothing remains to be recovered or discovered at his instance. The applicant has been languishing in jail since 26 June 2024, and the charges are yet to be framed. In conclusion, the learned Counsel submits that the applicant is willing to abide by any condition that this Court may deem fit to impose, including the condition of not entering the territorial jurisdiction of Nashik District.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposed the applicant's request for bail. He submits that the allegations levelled against the applicant are of a grave and serious nature. It is contended that the applicant, in connivance with the co-accused assaulted the informant and further escalated the criminality by threatening him at gunpoint. The learned APP further submits that the applicant and the co-accused not only subjected the informant to physical violence but also abducted him with the deliberate and premeditated

intention of extorting money. The learned APP expresses apprehension that if enlarged on bail at this stage, the applicant may tamper with the prosecution's evidence and influence the witnesses.

7. The Court has carefully considered the rival submissions advanced on behalf of the applicant and the State, and has perused the material placed on record. The incident is stated to have occurred on 20 May 2024 at about 9:00 p.m., whereas the FIR came to be lodged after a delay of one day. *Prima facie*, the said delay has not been satisfactorily explained by the prosecution. Though delay by itself may not be fatal, at the stage of bail it assumes significance while assessing the overall credibility of the prosecution case. The allegations against the applicant include assault, criminal intimidation by allegedly brandishing a country-made pistol, and participation in the alleged abduction for the purpose of extortion. However, it is an admitted position that no weapon has been recovered from the applicant or at his instance. Further, no incriminating material has been seized that directly links the applicant to the alleged use of a firearm.

8. The medical evidence placed on record indicates that the injuries sustained by the informant are simple in nature. This aspect, though not determinative, is a relevant consideration

while evaluating the gravity of the offence. Furthermore, the investigation into the present crime has already been completed and the chargesheet has been filed before the competent Court. Nothing further remains to be recovered or discovered at the instance of the applicant. The applicant has been languishing in jail since 26 June 2024, and the charges are yet to be framed. Prolonged pre-trial incarceration, when the trial is likely to take time, would not be justified in the facts of the present case.

9. The Court also finds merit in the submission regarding parity. Accused Nos.3 and 4, whose roles are stated to be similar to that of the present applicant, have already been enlarged on bail. The prosecution has not demonstrated any distinguishing circumstances that would warrant a different view in the case of the present applicant. As regards the criminal antecedents of the applicant, it is well settled that the mere existence or pendency of criminal cases cannot, by itself, be a ground to deny bail. The Supreme Court in *Prabhakar Tewari v. State of U.P.*, (2020) 11 SCC 648, has held that antecedents must be weighed along with other attendant circumstances and cannot be treated as the sole determinative factor. In the present case, except for the antecedents, no substantial material has been pointed out to indicate that the applicant's release on bail would inevitably result in misuse of

liberty. The apprehension expressed by the learned APP regarding the possibility of the applicant tampering with evidence or influencing witnesses can be addressed by imposing certain conditions. The applicant has expressed his willingness to abide by any conditions imposed by the Court, including a condition restricting his entry into the territorial jurisdiction of Nashik District.

10. In the totality of the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in connection with CR No.102 of 2024, registered with Pawarwadi Police Station, Nashik Rural, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant shall not enter the territorial jurisdiction of the Pune

District, till the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the Inspector of the concerned Police Station of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid reason.

11. The application stands disposed of accordingly.

(R.N. Laddha, J.)