

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3306 OF 2025**

Badyuzaman Akbar Badshah @ Sumit @ Sukka Pasha @ Sahil Khan <i>Versus</i> State of Maharashtra	... Applicant ... Respondent
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Mr. Zoheb Shaikh, *for the Applicant.*
Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*
PSI Shekhar Pawar, R.A.K. Marg Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 11TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with MCOC/SPL CASE/6/2018 pending before the 55th MCOCA, Court, for the offences punishable under Sections 385, 387, 120(b) r/w Section 34 of the Indian Penal Code, 1860, (**IPC**), Sections 3 and 25 of the Arms Act, 1959 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (**MCOC**).

2. The facts of the case, in brief, are that the Applicant and 5 co-accused are alleged to have indulged in extortion in their locality. It is alleged that they were collecting protection money from the shopkeepers and other residents of their locality and they have intimidated and threatened the inhabitants of their locality. Accordingly, the FIR was registered and the Applicant came to be arrested on 16th January, 2018. Other co-accused were arrested on various dates.

3. The Applicant filed an application before the Special Judge under MCOC Act, for Greater Mumbai, however, by order dated 28th July, 2025, said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Shaikh, learned counsel for the Applicant, at the very outset, has drawn my attention to the orders granting bail to all the other co-accused by the Sessions Court as well as this Court. He submits that on this ground alone, the Applicant deserves to be enlarged on bail.

5. Mr. Dabke, learned APP, representing the State, has brought to my attention the Affidavit affirmed by Kishorekumar Shinde, officiating Assistant Commissioner of Police, D (Special), Crime Branch, D.C.B., C.I.D., Mumbai, dated 1st October, 2025. He relies on the averments of the said Affidavit to say that the offence is serious and the Applicant and the other co-accused have been identified as the persons who are members of the organised crime syndicate headed by Accused No.6 namely Badyuzaman Akbar Badshah i.e. the Applicant herein. He submits that the witnesses have also identified the present Applicant as being the leader of the crime syndicate. He submits that there are as many as 28 antecedents against the Applicant in respect of similar offences. He thus, submits that the Application be rejected.

6. Undoubtedly, the offence is serious and the Applicant has antecedents in relation to commission of similar offences. However, the role attributed to the present Applicant is similar to the role attributed to other co-accused who are already enlarged on bail by the Sessions Court as well as this

Court. The only distinction is the number of antecedents against the other co-accused and the present Applicant. Co-accused No.1 has 9 antecedents and co-accused No.4 has 4 other cases against him. On this Mr. Shaikh states that the other cases against the Applicant are cross-cases and they are not independent and separate cases involving separate incidents.

7. Considering that the role attributed to the present Applicant is similar to the role attributed to the other co-accused who have been granted bail, save and except the number of antecedents against the present Applicant, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- iv) The Applicant shall not enter the City of Mumbai, save and except for the purpose of attending the Police Station or the Trial Court;
- v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- vi) The Applicant shall not leave India, without the permission of the Trial Court;
- vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;
- ix) The Applicant to co-operate with the conduct of the trial;
- x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)